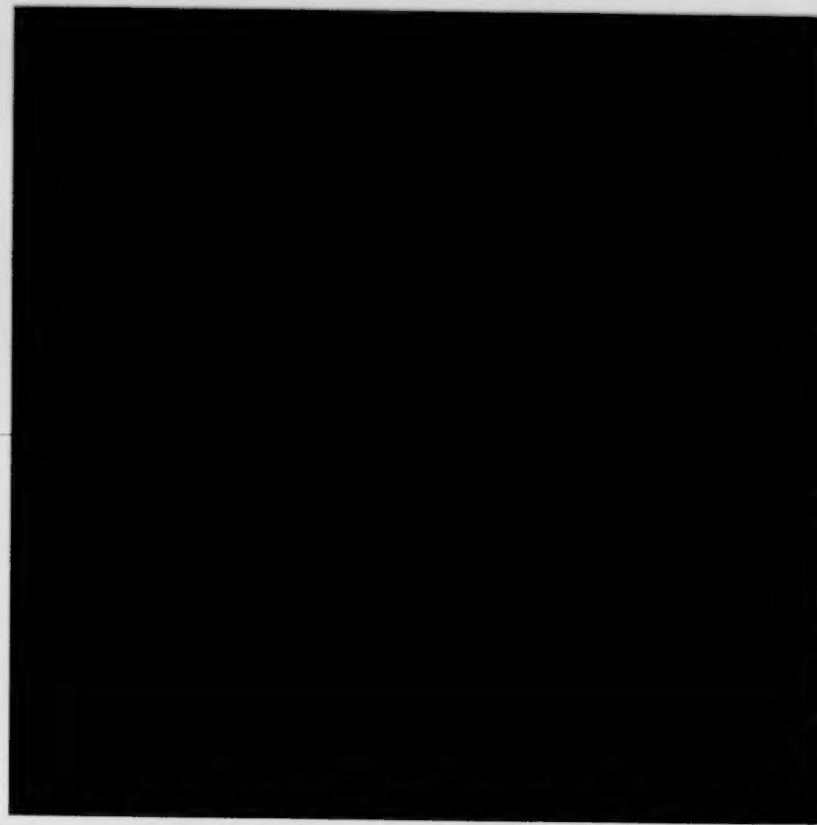
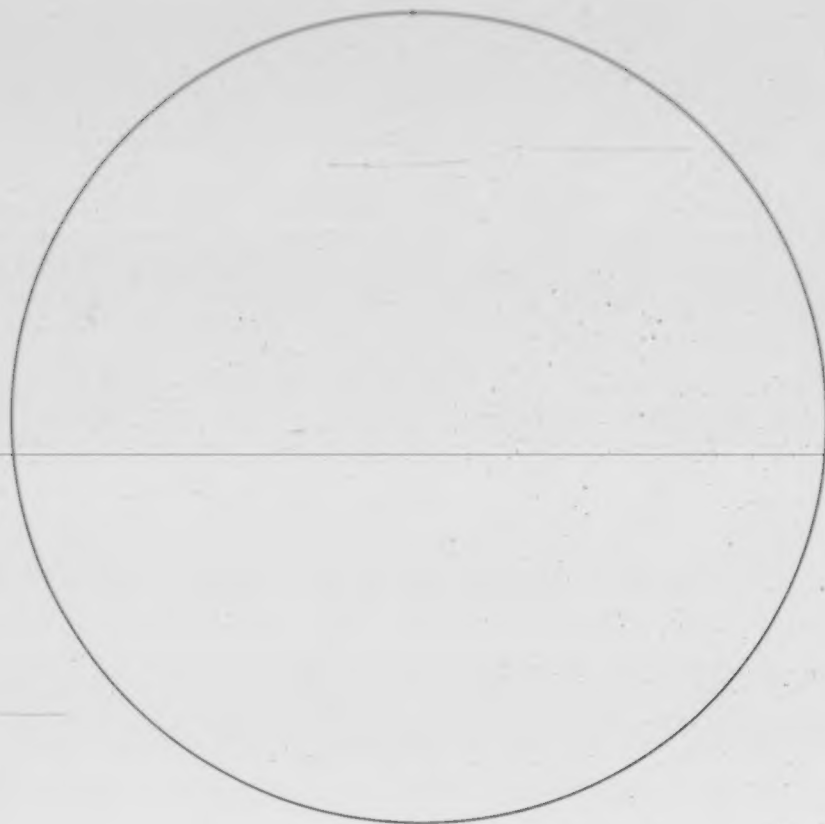
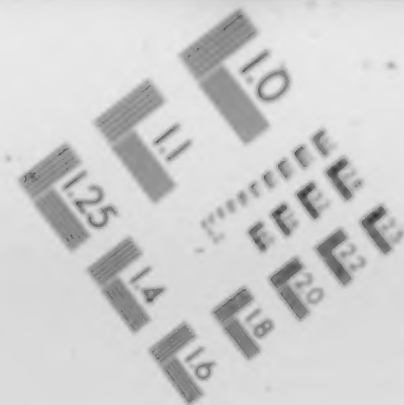
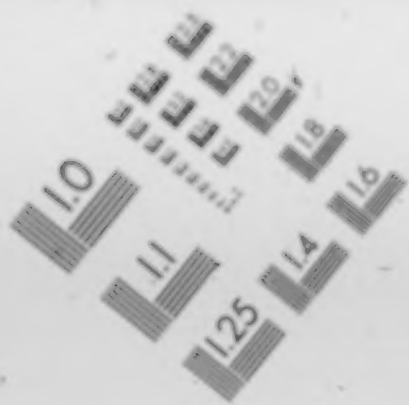
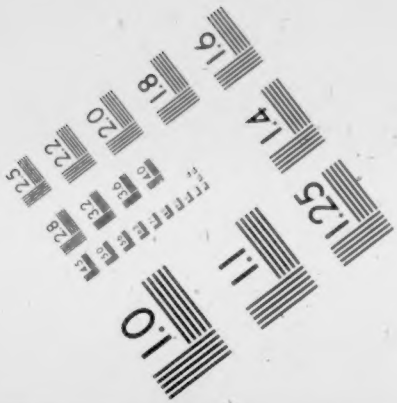
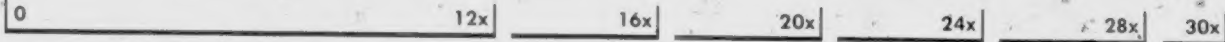




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MICROFILM PUBLICATION #1301

APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 141

MISSISSIPPI CHOCTAW MCR 4941-5033

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Choctaw MCR 4941

Mattie. White

See MCR 934

MCR 4941

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, March 18, 1902.

In the
for the identifi-
ren, Mavis
Louisa White

---O---

the matter of the application of Mattie White,
identification of herself and her four minor child-
White, James P. White, William R. White Jr., and
to, as Mississippi Choctaws.

Mattie

---O---

White being first duly sworn testified as
follows:

Examination by the Commission:

- Q What is your name? A Mattie White.
Q What is your age? A Twenty nine .
Q What is your post office address? A Bonham Texas.
Q How long have you lived there? A Ten years.
Q Where were you born? A In Louisiana.
Q Did you go from Louisiana to Texas? A Yes sir.
Q And have you lived there since? A Yes sir.
Q Is your father living? A Yes sir.
Q Through what living? A Yes sir.
Q Mother. your father's name? A James N. Platt.
Q Has your mother's name? A Martha L. Platt.
Q enrolled which parent do you claim your Choctaw blood? A
the Choctaw mother ever been recognized in any way or
titles in as a member of the Choctaw tribe of Indians by
Is your Choctaw tribal authorities or the United States author-
Has he in Indian Territory? A No sir.
A White man husband living? A Yes sir.
Q What is his any Choctaw Indian blood or is he a white man.
Q Do you know his name? A William Richard White.
Q How many make any claim for him? A No sir.
Q and unmarried children have you under twenty one years of age
Q You want married? A Four.
Q What is the name to make application for them? A Yes sir.
Q How old is the name of the oldest one? A Mavis White.
Q Is that a is Mavis? A Nine.
Q What is the name of the next? A James P. White.
Q How old is he? A Six.
Q The next? A William R. White Jr. Four.
Q You claim the tribal name of the next? A Louis a White, one year.
Q Is your name for yourself and children do you? A Yes sir.
the tribal name or the name of any of your children on any of
tory? A No sir.
Is William R. White the father of these children? A Yes
sir. No sir.
Q Have either of you been married before you married each
other? A No sir.
Q Have you ever made application for yourself and children
for citizenship in the Choctaw Nation to the Choctaw tribal
authorities in the Indian Territory? A No sir.
Q Did you ever make application for yourself and children to

Mattie White--2.

the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A Never have.

Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of Dancing Rabbit Creek?

A Yes sir.

Q Do you understand that article of the treaty? A I think I do. I have heard it read several times.

Q The article itself is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did your ancestors ever comply with that article of that treaty? A I dont know.

Q What is the name of your ancestor through whom you claim your right to be identified? A Phyllis Peachlen.

Q Whom did she marry? A William Ellis Miller.

Q How much Choctaw blood did she have? A One half.

Q Did she live in Mississippi in 1830 and have a family there then? A I dont know; I have heard she did.

Q It is a matter of family history? A Yes sir.

Q You have no proof of it? A Have no proof.

Q Did she speak the Choctaw language? A I dont know.

Q Did she have an Indian name? A I dont know.

Q How old would she be if living now? A I dont know.

Q She would be an old lady wouldn't she? A I think so; my grandmother was old when she died.

Q How old was she? A Seventy five, I believe.

Q Was your grandmother born in Mississippi? A I dont know where she was born?

Q Did any of your ancestors own any improvements on land in Mississippi or Alabama in 1830? A I dont know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, tell him they wanted to stay in Mississippi, take land and become citizens of the states?

Mattie White--3.

- Q I dont know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or '40? A I dont know. I suppose not thought
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I dont know.
- Q Did any of your Choctaw ancestors claim any land in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement? A I dont know.
- Q Did they claim under any other treaty made between the United States government and the Choctaw tribe of Indians than the treaty of 1830? A I dont know that.
- Q Did any of your Choctaw ancestors go before the Commission appointed by act of Congress approved March 3, 1837 or before the Commission appointed by act of Congress approved August 23, 1842 and claim benefits under article fourteen?
- A I dont know.
- Q These commissions were appointed, one in 1837 and the other in 1842 because a good many Indians claimed that they had gone before Colonel Ward within six months after the ratification of the treaty of Dancing Rabbit Creek and told him they wanted to stay in Mississippi, take land there and become citizens of the United States but that he had failed to put their names on his list known as Ward's register, and that they had had land in Mississippi taken from them and sold by the government; these commissions were appointed to right the wrong that was done these Indians in that way. Did any of your Choctaw ancestors receive any scrip from the government of the United States as Choctaw Indians which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land that the government had taken from them and sold? A I dont know; I suppose not.
- Q Who is William J. Miller? A Cousin of mine; second cousin.
- Q He has made application has he not to be identified? A Yes sir.

Number M.C.R. 934 is here referred to.

- Q Would you like to have the record made in his case and also the records of other relatives claiming descent from Phyllis Peachlen all considered together with yours? A Yes sir.
- Q Have you any evidence you want to introduce now? A No sir.
- Q Will you please trace your Indian blood from yourself back to your ancestor Phyllis Peachlen? A My mother was Martha L. McDade; her mother was Mary Ann Miller, and I have been told her mother was Phyllis Miller, maiden name Peachlen.
- Q Is that a matter of family history and tradition? A Yes sir; I know my grandmother McDade was a Miller and a brother to cousin William Miller's father.
- Q Do you want fifteen days time to introduce further evidence?
- A Yes sir.
- Q Fifteen days time is granted this applicant for the introduction of further proof.
- Q Do you understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has light complexion; brown hair; blue eyes; does not

Mattie White--2.

speak or understand the Choctaw language and has no knowledge of any act of compliance on part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 18th day of March 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 3rd day of April 1902.

William J. Martin
Notary Public.

Muskogee, Indian Territory, July 30, 1902.

W. R. White,
Bonham, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th inst., wherein you state that your wife is an applicant for identification as a Mississippi Choctaw and is connected with a Miller family, who claim descent from one Phyllis Pitchlynn. You ask for further time in which to introduce evidence to show compliance on the part of your wife's ancestors to the treaty of eighteen hundred and thirty.

In reply you are informed it appears from the records of the Commission that your wife, Mattie White, is an applicant for the identification of herself and four minor children as Mississippi Choctaws, claiming descent from Phyllis Pitchlynn.

You will be allowed until Monday, September first, 1902, in which to introduce additional evidence in support of the claim of your wife.

Yours truly,

Acting Chairman.

W.C.R. 4942.

Muskogee, Indian Territory, September 8, 1902.

W.R. White,

Bonham, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th ultimo, in which you ask that the Mississippi Choctaw of Mattie White, et al., be continued until October 6th, to enable you to present additional proof.

In accordance with your request, you are advised that this case will be continued until the date, October 6th, mentioned by you.

Yours truly,

Acting Chairman.

COPY

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4941.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 22, 1903.

Hattie White,

Bonham, Texas.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R	934
Pearl Barnett, et al.,	M C R	3819
Cordelia Wheless, et al.,	M C R	3382
Emma Wheless,	M C R	3383
Austin Miller, et al.,	M C R	3381
Hattie Bettes, et al.,	M C R	4752
Carrie E. Alderson,	M C R	4938
Julia D. Alderson, et al.,	M C R	4937
Iva Moore, et al.,	M C R	4939
Lula Sims, et al.,	M C R	4943
Alice Teague, et al.,	M C R	4956
Lillian Arledge, et al.,	M C R	4957
Zella Arledge, et al.,	M C R	4961
Sarah Adams, et al.,	M C R	4955
Marvin H. Adams,	M C R	4962
Lena Broom, et al.,	M C R	4940
Nancy I. Locke, et al.,	M C R	4930
Nancy Daniel Locke Goodman,	M C R	4942
Richard H. Locke,	M C R	4932
John M. Locke, et al.,	M C R	4934
Mary Elizabeth Locke,	M C R	4933
Thomas Clay Locke, et al.,	M C R	4931
Edward J. McDade, et al.,	M C R	5373
Joseph L. McDade, et al.,	M C R	4958
Martha L. Platt, et al.,	M C R	4936
Mattie White, et al.,	M C R	4941
Orrin F. Platt,	M C R	4935
Alexander J. McDade, et al.,	M C R	4949
Exer Maud Gass, et al.,	M C R	4950
Leona T. McDade,	M C R	4945
Jerry S. Hilman, et al.,	M C R	5376
John F. Alford, et al.,	M C R	5374
Dorset E. Alford,	M C R	4944
John W. Hudson, et al.,	M C R	5375
Neal F. McDade, et al.,	M C R	5377
Patrick J. Barnett, et al.,	M C R	4947
Nona Belle Barnett,	M C R	4948

Charles Wesley Edwards,
Virginia E. Nix, et al.,
Charlie A. Hilman,
Julia Compton, et al.,

M C R 4946
M C R 6304
M C R 6311
M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Oliver Miller, Dona May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sandford Allen Wheless, Oliver Lafayette Wheless, Ida Bell Wheless, Foriest Wheless, Mattie Lee Wheless, Loulei Violer Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Oliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Teague, Eva Teague, Eula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Burta Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patrick J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Noma Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully, (SIGNED)

Registered.

Tams Bixby

Acting Chairman.

MCR-4941

COPY

Muskogee, Indian Territory, April 18, 1907.

Mattie White,
Bonham, Texas.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

Signed *Tama Bixby.*
Commissioner.

For Identification as a Mississippi Choctaw.

Date

May

Name Mattie White

Age 29

Blood 1/16

Post Office, Bonham, Texas

Father: James N. Platt, l

Mother: Martha L. " l

Claims through mother -
Husband

William R. White, l. w.

No claim for husband.

Children:

Mavis White .F. 9

James P. White 6

William R. " Jr. 4

Louisa " 1

Claim for self &
children

William R. White

Choctaw MCR 4942

Nancy D. Goodman

See MCR 934

MCR 4942

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 18, 1902.

4942

In the matter of the application of Nancy D. Goodman for identification as a Mississippi Choctaw.

W.H.Ritchey, attorney for applicant.

Nancy D. Goodman being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Nancy Daniel Locke Goodman.
Q What is your husband's name? A Will Goodman; in all business contracts I sign it W.D.
Q What is your age? A Thirty five.
Q What is your post office address? A Bonham, Texas, Fannin County, 6th West 301.
Q How long have you lived in Texas? A I was born there.
Q Never lived in any other state? A No sir.
Q What is your father's name? A William Henry Locke.
Q What is your mother's name? A Nancy Isabel Locke.
Q Is your father living? A No sir.
Q Is your mother; has your mother made application to be identified as a Mississippi Choctaw? A Yes sir.
Q She made application when- March 17th? A Yes, yesterday.
Q You claim through her, do you? A Yes sir.
Q How much Choctaw blood do you claim? A A sixteenth the way we figure it.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as such by either the Choctaw tribal authorities or the authorities of the United States- A No sir.
Q Is your husband living? A Yes sir.
Q What is his name? A William T. Goodman.
Q Has he any Choctaw blood or is he a white man? A He is a white man.
Q You make no claim for him, then? A No sir.
Q Have you any children you want to make application for? A No sir; I have no children, claim for myself alone.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Is this the first application that you have ever made for citizenship in the Choctaw Nation? A Yes sir.

Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Understand that article? A I think I do.

Q Care to have it explained to you any further? A No sir; I think I ought to be posted.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply with the provisions of that article of that treaty? A --

Q That is did any of your ancestors do the things required by that article? A I don't know.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Well, we claim through our great-grandmother.

Q What is the name? A Peachlen.

Q Phyllis? A Yes sir.

Q What relation is ~~her~~ she to you? A She is my great grandmother.

Q Did she live in Mississippi in 1830? A She is supposed to.

Q Did she have a family there then? A Well, I don't know; but from what I understand, she did.

Q Matter of family history and tradition with you? A No sir.
 Q How much Choctaw blood did she have? A Said to be a half Indian.
 Q Did she speak the Choctaw language? A I don't know sir.
 Q Did she have a Choctaw Indian name? A I don't know sir.
 Q How old would she be if living now? A I think she must have been over a hundred, Judge, judging from my grandmother's age.
 Q Was your grandmother the daughter of Phyllis Peachlen? A Yes sir.
 Q Was Phyllis Peachlen her maiden name? A Yes sir.
 Q What was her married name? A Miller.
 Q What was her husband's full name? A William E. Miller.
 Q Was he a white man? A Yes sir.
 Q You don't know when and where she was born, Phyllis Peachlen?
 A No sir.
 Q Know when and where she died? A No sir.
 Q Where was your mother born? A In Louisiana. In Bozier near the town they call Horton I think the graveyard is called Gilmore.
 Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
 Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian agent Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know sir.
 Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838? A I don't know that either.
 Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A Yes, I suppose Miss Peachlen did.
 Q Do you know whether she did or not? A No sir, I haven't any proof; I just supposed by her living there she must have had property.
 Q Well, a good many people living there didn't; what makes you think she did? A 'Cause people generally have who live.
 Q You don't really know about that do you? A No sir. I have no proof; it's just a supposition.
 Q But even if she did own property there, the question is did she own or claim any property under article fourteen of the treaty of 1830? A I don't know.
 Q Did she own or claim any land under any other article of that treaty than article fourteen or under the supplement to that treaty? A I don't know sir.
 Q Did she claim any rights under any treaty made between the United States and the Choctaw Nation other than the treaty of 1830? A I don't know sir.

The Indians who remained in Mississippi in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian agent, Col. Ward and within six months after the ratification of the treaty of 1830 tell him they wanted to stay in Mississippi, take land there and become citizens of the United States; this was, in fact, a declaration of their intention to renounce Choctaw citizenship in order to become citizens of the United States; and if they did so they would be entitled to hold land in Mississippi under rolls that were made pursuant to the provisions of article fourteen of the treaty of 1830.

A good many Choctaw Indians went to Col Ward within the time limited in this treaty but he failed to put the names upon his list known as Ward's Register since; his failure to do so caused many Indians who had lands in Mississippi upon which they had improvements to lose both land and improvements, for they were both taken from them by the Government and sold at its Public Land Sale; this caused so many complaints among the Choctaws that Congress in 1837 by act of March 3, 1837, appointed a Commission and also in 1842 by an act of August 23, that year,; these Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830 and made lists of the names of all who appeared before each of them.

Q Did any of your Choctaw ancestors go before either claiming benefits under article fourteen of the treaty of 1830? A I don't know.
Q Did any of your Choctaw ancestors ever receive any scrip from the Government as Choctaw Indians which entitled them to select land in either Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had formerly held in the old Choctaw Nation and the which the Government had taken from them and sold? A I don't know.
Q Who is William J. Miller? A He is a cousin of mine.
Q Do you want to have his case considered with yours? A Yes sir.

Reference is made to M.C.R. 934

Q Do you also want to have the records in all of those cases of the relatives who have applied for identification claiming through Phyllis Peachlen considered with yours? A Yes sir.
Q Have you any further evidence you want to introduce now in support of this claim? A No sir.
Q Do you want any time? (attorney says there might be some occasion for time: "fifteen days will do.")

Fifteen days time will be allowed this applicant in which to furnish additional evidence if she desires in support of this claim.

Q Do you speak Choctaw? A No sir.
Q Can you count in Choctaw? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark complexion, brown eyes dark brown hair-- black hair. She has no knowledge of the Choctaw language and no knowledge of the compliance by any of her ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceed-

-4-
ings had in the above entitled cause on March 18, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Harris

Subscribed and sworn to before me this 27th day of March, 1902.

Clara Mitchell Wood

Notary Public.

COPY.

COMMISSIONERS
HENRY L. DAWES.
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

N.C.B. 4943.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 22, 1903.

Nancy D. L. Goodman,

Bonham, Texas.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R 934
Pearl Barnett, et al.,	M C R 3819
Cordelia Wheless, et al.,	M C R 3382
Emma Wheless,	M C R 3383
Austin Miller, et al.,	M C R 3381
Hattie Bettes, et al.,	M C R 4752
Carrie E. Alderson,	M C R 4938
Julia D. Alderson, et al.,	M C R 4937
Iva Moore, et al.,	M C R 4939
Lula Sims, et al.,	M C R 4943
Alice Teague, et al.,	M C R 4956
Lillian Arledge, et al.,	M C R 4957
Zella Arledge, et al.,	M C R 4961
Sarah Adams, et al.,	M C R 4955
Marvin H. Adams,	M C R 4962
Lena Broom, et al.,	M C R 4940
Nancy I. Locke, et al.,	M C R 4930
Nancy Daniel Locke Goodman,	M C R 4942
Richard H. Locke,	M C R 4932
John M. Locke, et al.,	M C R 4934
Mary Elizabeth Locke,	M C R 4933
Thomas Clay Locke, et al.,	M C R 4931
Edward J. McDade, et al.,	M C R 5373
Joseph L. McDade, et al.,	M C R 4958
Martha L. Platt, et al.,	M C R 4936
Mattie White, et al.,	M C R 4941
Orrin F. Platt,	M C R 4935
Alexander J. McDade, et al.,	M C R 4949
Exer Mand Gass, et al.,	M C R 4950
Leona T. McDade,	M C R 4945
Jerry S. Hilman, et al.,	M C R 5376
John F. Alford, et al.,	M C R 5374
Dorset E. Alford,	M C R 4944
John W. Hudson, et al.,	M C R 5375
Neal F. McDade, et al.,	M C R 5377
Patrick J. Barnett, et al.,	M C R 4947
Nona Belle Barnett,	M C R 4948

Charles Wesley Edwards,
Virginia E. Nix, et al.,
Charlie A. Hilman,
Julia Compton, et al.,

M C R 4946
M C R 6304
M C R 6311
M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Olliver Miller, Dona May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sanford Allen Wheless, Oliver Lafayette Wheless, Ida Bell Wheless, Foriest Wheless, Mattie Lee Wheless, Loulei Violer Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Olliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Teague, Eva Teague, Eula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Burta Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin E. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patrick J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Nona Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.
Acting Chairman.

Registered.

MCR-4942

COPY

Muskogee, Indian Territory, April 12, 1907.

Nancy D. Goodman,
Bonham, Texas.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

Date

MAR 18 1902

Name Nancy H. Goodman

Age 35 — Blood 1/16

Post Office, Bonham, Texas.
6 west 301 st.

Father: William H. Locke, d

Mother: Nancy J. Locke, l.

Claims through Mother —
~~Husband~~

William T. Goodman, l. w.

No claim for husband,

~~Children:~~

Claim for self alone

Stenographer

H. M. Harris

Choctaw MCR 4943

Lula Sims

See MCR 934

MCR 4943

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 18, 1902.

4943

In the matter of the application of Lula Sims for the identification of herself and her two minor children, Frank and Gladys Sims, as Mississippi Choctaws.

W.H.Ritchey, att'y for applicants.

Lula Sims being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lula Sims.
Q What is your age? A Twenty five.
Q What is your post office address? A Revenna Texas.
Q How long have you lived in Texas? A All my life.
Q Born in Texas? A Yes sir.
Q How long have you lived in Revenna? A Two years.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A Walter C. Taylor.
Q What was your mother's name? A Nancy E. Taylor.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A 1/32 I believe.
Q Was your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q What is your husband's name? A Fernando T. Sims.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian or a white man? A White man.
Q You make no claim for him? A No sir.
Q Have you any children you want to make application for? A Two.
Q What is the name of the oldest one? A Frank.
Q How old is he? A Five years old.
Q What is the name of the next? A Gladys Sims.
Q How old is she? A Three.
Q That is all the children, is it? A Yes sir.

Q Is fernando T. Sims the father of these children? A Yes sir.
Q Were either of you married before you married each other? A Yes, he was.
Q There are no children to be applied for by that first marriage?
A No sir; not by his first marriage.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?
A No sir.
Q Did you ever make application for citizenship for yourself and children to the Dawes Commission under the act of June 10, 1896?
A No sir.
Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
Q And also make application for the identification of these children?
A Yes sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
Q Do you understand the provisions of article fourteen of the treaty of 1830? A I don't know.
Q Do you want it explained to you? A No sir; I have heard it read some time.
Q But you don't understand it? A I don't know that I do.

The treaty of 1830 was made between the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama and the United States Government in the year 1830 at a place called Dancing Rabbit Creek in Mississippi and on the 27th day of September of that year. The object of the treaty which was made then was to remove all the Choctaw Indians if possible from that old Choctaw Nation to the Choctaw Nation, Indian Territory; but it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and so in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty; it then was signed and afterwards on the 24 day of February, 1831, was ratified; that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not

lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand that better now? A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Phyllis Peachlen.
- Q Do you know whether she or any of your Choctaw ancestors ever complied with the provisions of that article of that treaty? A No sir I don't.
- Q How much Choctaw blood did Phyllis Peachlen have? A A half.
- Q What relation was she to you? A My great great grandmother.
- Q Is this her maiden name? A Yes sir.
- Q What was her husband's name? A I don't know sir.
- Q Do you know any part of the name? A I don't know.
- Q Did she live in Mississippi in 1830? A I don't know sir.
- Q Do you know whether any of your Choctaw ancestors lived in Mississippi in 1830 and had a family there then? A No sir.
- Q Did she live in the old Choctaw Nation in Alabama? A I don't know sir.
- Q Do you know how old she would be if living now? A No sir.
- Q Do you claim through your mother? A Yes sir.
- Q She claimed through which parent? A Her mother.
- Q And her mother's name was what? A My mother's mother.
- Q Yes. A My mother's mother was Caroline McDade.
- Q And she claimed through whom? A Her mother.
- Q And her mother's name was what? A Nancy McDade.
- Q And she claimed through whom? A Her mother, Phyllis Peachlen.
- Q Is that the maiden name? A Peachlen? Yes sir. I don't know anything about her husband.
- Q Was her husband a white man? A I suppose so.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did they own or claim any in Mississippi or Alabama under any other article of the treaty or under the supplement to that treaty? A I don't know sir.
- Q Did any of your Choctaw ancestors claim any benefits under any treaty made between the United States Government and the Choctaw Nation other than the treaty of 1830? A Not that I know of.

The Indians who remained in Mississippi and Alabama after the treaty of 1830 was ratified refusing to go to the Choctaw Nation, Indian Territory, with the other Indians under that treaty, were re-

quired if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent Col. Ward within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register and his failure caused a good many Indians who held land in Mississippi to have it taken from them and sold by the Government at its Public Land Sale. This caused so many complaints among the Indians that Congress appointed a Commission in 1837 and another in 1842; these Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen of that treaty? A Not that I know of.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana to take the place of land which they had in Mississippi and which the Government had taken from them and sold? A I don't know.

Q Who is William J. Miller? A My cousin.

Q He has made application to be identified as a Mississippi Choctaw? A Yes sir.

(M.C.R. 934 is referred to; William J. Miller.)

Q Do you want to have the testimony taken in his case to be considered with yours? A Yes sir.

Q And also of all other relatives who have applied here and who are descended from Phyllis Peachlen? A Yes sir.

Q Have you any other evidence you want to introduce? A No sir.

Q Do you want any time in which to introduce further evidence?

A ---

Fifteen days time is granted this applicant at the request of her attorney, Mr. Ritchey, in which to furnish other evidence, if she desires, in support of this application.

Q Do you understand or speak the Choctaw language? A No sir.
This

Note: applicant has the appearance and physical characteristics of being descended from white parentage, light complexion, light hair blue eyes; she does not understand the Choctaw language and has no knowledge of the compliance by any ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to

the undersigned on this date has caused to be prepared in full all the above proceedings on March 12, 1902, and that this is a full, true and correct transcript of his stenographic notes in case.

Henry J. Haines

Subscribed and sworn to before me this 27th day of March, 1902.

Clara M. L. Hallowood

Notary Public.

COPY.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

W. C. R. 4943.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 22, 1903.

Lula Sims,

Bayouana, Texas.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R 934
Pearl Barnett, et al.,	M C R 3819
Cordelia Wheless, et al.,	M C R 3382
Emma Wheless,	M C R 3383
Austin Miller, et al.,	M C R 3381
Hattie Bettes, et al.,	M C R 4752
Carrie E. Alderson,	M C R 4938
Julia D. Alderson, et al.,	M C R 4937
Iva Moore, et al.,	M C R 4939
Lula Sims, et al.,	M C R 4943
Alice Teague, et al.,	M C R 4956
Lillian Arledge, et al.,	M C R 4957
Zella Arledge, et al.,	M C R 4961
Sarah Adams, et al.,	M C R 4955
Marvin H. Adams,	M C R 4962
Lena Broom, et al.,	M C R 4940
Nancy I. Locke, et al.,	M C R 4930
Nancy Daniel Locke Goodman,	M C R 4942
Richard H. Locke,	M C R 4932
John M. Locke, et al.,	M C R 4934
Mary Elizabeth Locke,	M C R 4933
Thomas Clay Locke, et al.,	M C R 4931
Edward J. McDade, et al.,	M C R 5373
Joseph L. McDade, et al.,	M C R 4958
Martha L. Platt, et al.,	M C R 4936
Mattie White, et al.,	M C R 4941
Orrin F. Platt,	M C R 4935
Alexander J. McDade, et al.,	M C R 4949
Exer Maud Gass, et al.,	M C R 4950
Leona T. McDade,	M C R 4945
Jerry S. Hilman, et al.,	M C R 5376
John F. Alford, et al.,	M C R 5374
Dorset E. Alford,	M C R 4944
John W. Hudson, et al.,	M C R 5375
Neal F. McDade, et al.,	M C R 5377
Patrich J. Barnett, et al.,	M C R 4947
Nona Belle Barnett,	M C R 4948

Charles Wesley Edwards,
Virginia E. Nix, et al.,
Charlie A. Hilman,
Julia Compton, et al.,

M C R 4946
M C R 6304
M C R 6311
M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Oliver Miller, Donna May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sanford Allen Wheless, Oliver Lafayette Wheless, Ida Bell Wheless, Forest Wheless, Mattie Lee Wheless, Louie Violer Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Oliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Teague, Eva Teague, Eula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Berta Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patrick J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Nona Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully, **SIGNED**

Jams Bixby.

Acting Chairman.

Registered.

MCR-4943

COPY

Muskogee, Indian Territory, April 18, 1907.

Lula Sims,

Ravenna, Texas.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

SIGNED *John D. Smith*
Commissioner.

Date

Nov 1, 1902

Name Lula Sims -

Age 25 - Blood 1/32 ✓

Post Office, ~~Reynolds~~ ^{Reynolds}, Texas

Father: Walter C. Taylor, l.

Mother: Nancy E. " , d.

Claims through mother,
~~Husband~~ Fernando T. Sims, l. w.

No claim for husband.

Children:

Frank Sims, 5

Gladys " 3

Claims for self
and children

Stenographer H. G. Haines

Choctaw MCR 4944

Dorset E. Alford

See MCR 934

MCR 4944

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 18, 1902.

4944

In the matter of the application of Dorset E. Alford for identification as a Mississippi Choctaw.

W.H.Ritchey, att'y for applicant:

Dorset E. Alford being duly sworn testified as follows:

Examination by the Commission:

- Q what is your name? A Dorset E. Alford.
Q What is your age? A Twenty seven.
Q What is your post office address? A Haughton, Louisiana.
Q How long have you lived there? A About twenty years.
Q Where were you born? A In Bonham, Texas.
Q And went from there to Louisiana? A Well, its from right near there Bonham in Texas.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is his name? A John F. Alford.
Q What is your mother's name? A Anna Alford.
Q You claim through which parent? A Mother.
Q How much Choctaw blood do you claim? A About a sixteenth.
Q Has your mother ever been recognized as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or enrolled as such by them in the Indian Territory? A No sir; not that I knew sir.
Q Do you make application for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever been made application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States in the Indian Territory? A No sir.

Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A Well, I have heard it explained several times; I guess I do.

Q Want an explanation further? A No sir.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Have any of your Choctaw ancestors complied with the provisions of that article of that treaty? A No sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Peachlen.

Q What is the full name? A Phyllis Peachlen.

Q How much Choctaw blood did she have? A Half I think.

Q Did she live in Mississippi in 1830? A I think so.

Q Did she have a family there then? A I don't know sir.

Q What makes you think she lived there in 1830? A I have heard she did.

Q From members of the family? A Some of the members.

Q Did she have a Choctaw Indian name, or did she speak the Choctaw Indian language? A I don't know sir.

Q How old would she be if living now? A I don't know.

Q You claim through your mother? A Yes sir.

Q She claimed through-- A Her mother.

Q What was her mother's name? A McDade.

Q She claimed through-- A Her mother.

Q Her mother was named? A Miller.

Q What was the full name? A I can't tell you.

Q She claimed through? A Her mother.

Q And her mother's name was what? A Phyllis Peachlen.

Q Whom did Phyllis Peachlen marry? A Miller, I think; his full name was W.E. Miller I think.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know sir.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek tell the United States Indian Agent Col Ward that they wanted to stay in Mississippi take land there and become citizens of the United States? A I don't know sir.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A I don't know sir.

Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know sir.

Q Did they claim any land or any benefits as Choctaw Indians under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know sir.

Q Did they claim any benefits as Choctaw Indians under any treaty made between the United States and the Choctaw Indians other than the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors go before the Commission appointed by Act of Congress approved March 3, 1837, or before the Commission appointed by act of Congress approved August 23, 1842, and claim benefits as Choctaw Indians under article four teen of the treaty of 1830? A I don't know that either.

These Commissions were appointed to hear the claims of those who claimed that they had gone to Col. Ward at his agency in Mississippi within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi, take land there and become citizens of the States, but that he had failed to put their names upon his list known as Ward's Register. His failure to do so caused a good many Indians to lose the land which they had occupied in Mississippi and Alabama in the old Choctaw Nation; the Government took it from them and sold it; these Commissions were afterwards appointed, and those Indians who proved that fact had their rights restored to them.

Q You don't know whether any of your ancestors did go before either of these two Commissions? A No sir.

Q Did any of your Choctaw ancestors receive any scrip from the Government as Choctaw Indians which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of land which they had formerly had in the old Choctaw Nation but which the Government had taken from them? A I don't know sir.

Q Who is William J. Miller? A He is a cousin.

Q Was he made application before this Commission to be identified as a Mississippi Choctaw? A Yes sir.

Reference is made to M.C.R. 934- William J. Miller.

Q Do you want to have your case consolidated with his and all other claimants who claim under Phyllis Peachlen? A Yes sir.

Q Have you any other evidence you want to introduce now? A No sir.

Q Do you care for any time? A I may want time? A

(Fifteen days time is allowed this applicant on motion of Mr.

Ritchey in which to present further testimony if he desires in this case...)

Q Do you speak the Cheetaw language? A No sir.

Q Is there anything further you want to say in this case? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; florid complexion, blue eyes, dark brown hair; does not understand the Cheetaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on March 18, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 28th day of March, 1902.

Carst Mitchell Wood
Notary Public.

COPY!

COMMISSIONERS

HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4944.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 22, 1903.

Dorset E. Alford,

Haughton, Louisiana.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R 934
Pearl Barnett, et al.,	M C R 3819
Cordelia Wheless, et al.,	M C R 3382
Emma Wheless,	M C R 3383
Austin Miller, et al.,	M C R 3381
Hattie Bettes, et al.,	M C R 4752
Carrie E. Alderson,	M C R 4938
Julia D. Alderson, et al.,	M C R 4937
Iva Moore, et al.,	M C R 4939
Lula Sims, et al.,	M C R 4943
Alice Teague, et al.,	M C R 4956
Lillian Arledge, et al.,	M C R 4957
Zella Arledge, et al.,	M C R 4961
Sarah Adams, et al.,	M C R 4955
Marvin H. Adams,	M C R 4962
Lena Broom, et al.,	M C R 4940
Nancy I. Locke, et al.,	M C R 4930
Nancy Daniel Locke Goodman,	M C R 4942
Richard H. Locke,	M C R 4932
John M. Locke, et al.,	M C R 4934
Mary Elizabeth Locke,	M C R 4933
Thomas Clay Locke, et al.,	M C R 4931
Edward J. McDade, et al.,	M C R 5373
Joseph L. McDade, et al.,	M C R 4958
Martha L. Platt, et al.,	M C R 4936
Mattie White, et al.,	M C R 4941
Orrin F. Platt,	M C R 4935
Alexander J. McDade, et al.,	M C R 4949
Exer Maud Gass, et al.,	M C R 4950
Leona T. McDade,	M C R 4945
Jerry S. Hilman, et al.,	M C R 5376
John F. Alford, et al.,	M C R 5374
Dorset E. Alford,	M C R 4944
John W. Hudson, et al.,	M C R 5375
Neal F. McDade, et al.,	M C R 5377
Patrich J. Barnett, et al.,	M C R 4947
Nona Belle Barnett,	M C R 4948

Charles Wesley Edwards,
Virginia E. Nix, et al.,
Charlie A. Hilman,
Julia Compton, et al.,

M C R 4946
M C R 6304
M C R 6311
M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Olliver Miller, Dona Yay Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sanford Allen Wheless, Oliver Lafayette Wheless, Ida Bell Wheless, Foriest Wheless, Mattie Lee Wheless, Loulei Violer Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Olliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Teague, Eva Teague, Eula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Berta Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patrick J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Mianie L. Barnett, Nona Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Registered

Tams Bixby.

Acting Chairman.

NCR-4944

COPY

Muskogee, Indian Territory, April 18, 1907.

Dorset E. Alford,
Haughton, Louisiana.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

SIGNED

Tams Bixby.
Commissioner.

For Identification as a Mississippi One

Date

MAR 13 1902

Name *Claret E. Alford*

Age *27* —

Blood

"16

Post Office, *Haughton, La.*

Father: *John F. Alford, l.*

Mother: *Anna " l.*

Claims through *mother*

~~Address:~~

Claims for prop alone

Stenographer *H. G. Keane*

Choctaw MCR 4945

Leona T. McDade

See MCR 934

MCR 4945

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 18, 1902.

4945

In the matter of the application of Leona T. McDade for identification as a Mississippi Choctaw.

W.H.Ritchey, att'y for applicant.

Leona T. McDade being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Leona T. McDade.
Q What is your age? A Forty five.
Q What is your post office address? A Haughton, Louisiana.
Q How long have you lived there? A All my life.
Q Born there? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother? A No sir.
Q What was his name? A Alexander McDade.
Q What was your mother's name? A Mary Ann McDade.
Q You claim through which parent? A Mother.
Q How much Choctaw blood do you claim? A I don't know, one eighth I suppose though.
Q Do you think it is any eighth? A Yes sir.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as such by the Choctaw tribal authorities in Indian Territory? A No sir.
Q Are you married? A No sir.
Q You just claim for yourself, do you? A Just for myself.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Bureau Commission under the act of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of the treaty? A Yes sir.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become citizens of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a ~~quarter~~ quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply with that article? A I don't know.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Phyllis Peachlen Miller.

Q How much Choctaw blood did she have? A A half.

Q What evidence have you that she had a half? A I have no evidence except reputation; I have heard it.

Q Hear-say in the family? A Yes sir.

Q Did she live in Mississippi in 1830 and have a family there then?

A I don't know.

Q Do you know whether she ever lived in Mississippi or Alabama?

A I have heard it.

Q In the family? A Yes, I have heard so, but I don't know it; I have heard so.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi take land there and become citizens of the States? A I don't know.

Q Did any of them go from that old Nation to the Choctaw Nation, Indian Territory, between 1833 to 1838? A I don't know.

Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830?

A I don't know.

Q Did they own or claim any land in that old Choctaw Nation under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.

Q Did they claim any benefits under any treaty made between the United States Government and the Choctaw Nation other than ~~article~~ the treaty of 1830? A I don't know.

The Choctaw Indians who refused to go to Indian Territory with the other members of the tribe under the general provisions of the treaty of 1830 were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian agent, Col. Ward, and within six months after the ratification of the treaty tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States; now it is a well known fact that a good many Indians did this whose names Col. Ward failed to put upon his list known as Ward's register and his neglect to make a proper record of the names of applicants who came before him under the provisions of that article of that treaty caused a good many Indians who held land in Mississippi upon which they had improvements to lose both the land and improvements; both were taken from them by the Government and sold at its Public Land Sale. A good many Indians made complaints and as a result of the complaints Congress appointed in 1837 a Commission which went to Mississippi, and heard these complaints; and in 1842 Congress appointed another Commission for the same purpose which went to Mississippi and heard these claimants under article four teen; both Commissions made lists of the names of those who appeared before each one of them respectively.

Q Do you know whether any of your Choctaw ancestors were among the Indians who went before either of these Commissions and claimed benefits under that article of that treaty? A No sir; I don't.

According to the act of Congress approved August 23, 1842, those Indians who proved their claim under article fourteen and also proved that they had had land in Mississippi which the Government had taken from them and sold were entitled to select land in Mississippi, Alabama, Louisiana or Arkansas; and evidence of their right to so select land was given to them in the form of scrip or certificates as they were called.

Q Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A I don't know.

Q Who is William J. Miller? A First cousin.

Q He has made application to be identified as a Mississippi Choctaw?
QA Yes sir.

(Reference to M.C.R.934; William J. Miller).

Q Do you want to have his case considered with yours and also with those other cases of claimants under Phyllis Peachlen? A Yes sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q Have you any other evidence you want to introduce? A None except

-4-
Q Do you want any time-- A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has hazel eyes, dark brown hair; she does not speak the Cheeta language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings on March 18, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 28th day of March, 1902.

Clara Mitchell Wood

Notary Public.

COPY

COMMISSIONERS

HENRY L. DAWES.
TAMM DIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4945.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 22, 1903.

Leona T. McDade,
Haughton, Louisiana.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R 934
Pearl Barnett, et al.,	M C R 3819
Cordelia Wheless, et al.,	M C R 3382
Emma Wheless,	M C R 3383
Austin Miller, et al.,	M C R 3381
Hattie Bettes, et al.,	M C R 4752
Carrie E. Alderson,	M C R 4938
Julia D. Alderson, et al.,	M C R 4937
Iva Moore, et al.,	M C R 4939
Lula Sims, et al.,	M C R 4943
Alice Teague, et al.,	M C R 4956
Lillian Arledge, et al.,	M C R 4957
Zella Arledge, et al.,	M C R 4961
Sarah Adams, et al.,	M C R 4955
Marvin H. Adams,	M C R 4962
Lena Broom, et al.,	M C R 4940
Nancy I. Locke, et al.,	M C R 4930
Nancy Daniel Locke Goodman,	M C R 4942
Richard H. Locke,	M C R 4932
John M. Locke, et al.,	M C R 4934
Mary Elizabeth Locke,	M C R 4933
Thomas Clay Locke, et al.,	M C R 4931
Edward J. McDade, et al.,	M C R 5373
Joseph L. McDade, et al.,	M C R 4958
Martha L. Platt, et al.,	M C R 4936
Mattie White, et al.,	M C R 4941
Orrin F. Platt,	M C R 4935
Alexander J. McDade, et al.,	M C R 4949
Exer Maud Gass, et al.,	M C R 4950
Leona T. McDade,	M C R 4945
Jerry S. Hilman, et al.,	M C R 5376
John F. Alford, et al.,	M C R 5374
Dorset E. Alford,	M C R 4944
John W. Hudson, et al.,	M C R 5375
Neal F. McDade, et al.,	M C R 5377
Patrick J. Barnett, et al.,	M C R 4947
Nona Belle Barnett,	M C R 4948

Charles Wesley Edwards,
Virginia E. Nix, et al.,
Charlie A. Hilman,
Julia Compton, et al.,

M C R 4946
M C R 6304
M C R 6311
M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Oliver Miller, Dona May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sanford Allen Wheless, Oliver Lafayette Wheless, Ida Bell Wheless, Forrest Wheless, Mattie Lee Wheless, Louie Violet Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Oliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Teague, Eva Teague, Euk Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Burt Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eya Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patrick J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Noma Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

Registered.

MCH-4943

COPY

Muskogee, Indian Territory, April 18, 1907.

Leona T. McDade,
Haughton, Louisiana.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

SIGNED *Samuel H. Hays*
Commissioner.

For Identification as a Mississippi Choctaw.

Date

MAR 18 1902

Name Leona T. McReade.

Age 45 — Blood ~~Swedish~~ 1/8

Post Office, Houghton, La

Father: Alexander McReade, d

Mother: Mary Ann " d

Claims through mother —

Children:

Claims for self

Stenographer H. G. Hains —

Choctaw MCR 4946

Charles W. Edwards

See MCR 934

MCR 4946

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 18, 1902.

4948

In the matter of the application of Charles Wesley Edwards for identification as a Mississippi Choctaw.

W.H.Ritchey, att'y for applicant.

Charles Wesley Edwards being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A C.W.Edwards.
Q What does that C.Stand for? A Charles Wesley.
Q What is your age? A Forty eight.
Q What is your post office address? A Haughton, Louisiana.Bossier Parish.
Q How long have you lived at Haughton? A I have lived at that parish all my life.
Q Is your father living? A No sir.
Q Is your mother? A No sir.
Q What was your father's name? A William S. Edwards.
Q What was your mother's name? A Eliza Edwards.
Q Through which parent do you claim your Choctaw blood? A My mother
Q How much Choctaw blood do you claim? A Well, about an eighth.
Q Has your mother ever been recognized in any way or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A I think not.
Q Have you a wife living? A No sir.
Q You make application just for yourself, do you? A Yes sir.
Q You have no children you want to make application for? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application to be admitted as a member of the Choctaw tribe of Indians to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Do you now come before the Commission for the purpose of being identified as Mississippi Choctaws claiming under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand the provisions of that article of that treaty? A I have heard it read several times.

Q Care to have it explained again? A I don't think I do.

Article fourteen is as follows: "each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue, said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that article do you? A Yes sir.

Q Do you know whether any of your Choctaw ancestors ever complied or attempted to comply with any of the provisions of that article as read to you? A No sir; I don't know.

Q What was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Phyllis Peachlen my grandmother.

Q Whom did she marry? A She married William E. Miller.

Q How much Choctaw blood did she have? A A half I think.

Q What evidence have you that she had a half Choctaw blood? A I have none except from what I have heard.

Q In the family? A Yes sir.

Q It is a matter of family history and tradition? A Yes sir.

Q Did she live in the State of Mississippi or Alabama in the old Choctaw Nation in 1630 and have a family there at that time? A I think so.

Q Where did she live? A In Mississippi; it is my understanding.

Q Is it a matter of family history that she did? A Yes sir.

Q Did she have a Choctaw Indian name and did she speak the Choctaw Indian language? A I don't know.

Q Was she a recognized member of the Choctaw tribe of Indians in Mississippi? A I don't know.

Q How old would she be if living now? A I can't tell you.

Q You claim through your mother? A Yes; Eliza Edwards.

Q And she claimed through which parent? A Phyllis Peachlen.

Q Through which parent? A Her mother.

Q What was her mother's name? A My mother's mother was named Phyllis Peachlen. That was her maiden name; she married Miller.

Q Did your mother ever live in Mississippi? A I think she did; I am not positive but I think she did.

Q Did any of your Choctaw ancestors own any land or improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi take land there and become citizens of the United States? A I don't know sir.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 1838 or 1840? A I can't tell you.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.

Q Did they own or claim any land in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know sir.

Q Did any of your Choctaw ancestors claim any benefits under any treaty made between the United States Government and the Choctaw Indians other than the treaty of 1830? A I don't know.

The Choctaw Indians who remained in Mississippi after the other Indians had gone to the Choctaw Nation, Indian Territory, were required, if they wanted to take advantage of the provisions of article fourteen of the treaty of 1830 to go to the United States Indian Agent, Col. Ward within six months after the ratification of the treaty and signify to him their intention to remain in Mississippi take land there and become a citizen of the United States. Because Col. Ward neglected put upon his list known as Ward's Register the names of all those applicants a good many who held land in Mississippi upon which they had improvements lost both for they were taken by the Government and sold at its Public Land Sale. This caused a great many complaints so that in 1837 Congress appointed a Commission and also a Commission was appointed in 1842 for the same purpose, and these two Commissions went at different times to the State of Mississippi and heard claimants under article fourteen of the treaty of 1830: they also made lists of the names of all who came before them.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim rights and benefits under article fourteen of that treaty? A I don't know.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also further appeared that he had land in Mississippi which the Government had taken from him and sold that he should be entitled to select land either in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A I don't know.
Q What relation to you is William J. Miller? A He is a Cousin.

(Reference to M.C R.934; William J. Miller.)

Q He has made application to be identified as a Mississippi Choctaw?
A Yes sir.
Q Do you want to have the testimony in his case considered with yours and also with these applicants claiming through Phyllis Peach-
len? A Yes sir.
Q Have you any other evidence you want to introduce now? A No sir, I think not.
Q Do you care for any time? A Yes sir.

Reasonable time will be allowed this applicant in which to furnish further evidence if he desires in support of this application.

Q Do you speak the Choctaw language? A No sir.
Q Is there anything further you want to say in support of this claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, black hair, ruddy complexion- dark; does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above proceedings on March 18, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 28th day of March, 1902.

Clara Mitchell Wood

Notary Public.

COPY.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4946.

Muskogee, Indian Territory, January 22, 1903.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Charles W. Edwards,
Houghton, Louisiana.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R 934
Pearl Barnett, et al.,	M C R 3819
Cordelia Wheless, et al.,	M C R 3382
Emma Wheless,	M C R 3383
Austin Miller, et al.,	M C R 3381
Hattie Bettes, et al.,	M C R 4752
Carrie E. Alderson,	M C R 4938
Julia D. Alderson, et al.,	M C R 4937
Iva Moore, et al.,	M C R 4939
Lula Sims, et al.,	M C R 4943
Alice Teague, et al.,	M C R 4956
Lillian Arledge, et al.,	M C R 4957
Zella Arledge, et al.,	M C R 4961
Sarah Adams, et al.,	M C R 4955
Marvin H. Adams,	M C R 4962
Lena Broom, et al.,	M C R 4940
Nancy I. Locke, et al.,	M C R 4930
Nancy Daniel Locke Goodman,	M C R 4942
Richard H. Locke,	M C R 4932
John M. Locke, et al.,	M C R 4934
Mary Elizabeth Locke,	M C R 4933
Thomas Clay Locke, et al.,	M C R 4931
Edward J. McDade, et al.,	M C R 5373
Joseph L. McDade, et al.,	M C R 4958
Martha L. Platt, et al.,	M C R 4936
Mattie White, et al.,	M C R 4941
Orrin F. Platt,	M C R 4935
Alexander J. McDade, et al.,	M C R 4949
Exer Maud Guss, et al.,	M C R 4950
Leona T. McDade,	M C R 4945
Jerry S. Hilman, et al.,	M C R 5376
John F. Alford, et al.,	M C R 5374
Dorset E. Alford,	M C R 4944
John W. Hudson, et al.,	M C R 5375
Neal F. McDade, et al.,	M C R 5377
Patrick J. Barnett, et al.,	M C R 4947
Nona Belle Barnett,	M C R 4948

Charles Wesley Edwards,
Virginia E. Nix, et al.,
Charlie A. Hilman,
Julia Compton, et al.,

M C R 4946
M C R 6304
M C R 6311
M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Oliver Miller, Donna May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sanford Allen Wheless, Oliver Lafayette Wheless, Ida Bell Wheless, Foriest Wheless, Mattie Lee Wheless, Loulei Wheeler, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheeler, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Oliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Teague, Eva Teague, Eula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Burt Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patrick J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Nona Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully, **(SIGNED)**

Tame Bixby.
Acting Chairman.

Registered

MCR-4946

COPY

Muskogee, Indian Territory, April 18, 1907.

Charles W. Edwards,
Haughton, Louisiana.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

Signed *Tams Bixby.*
Commissioner.

No. — 4946

For Identification as a Mississippi Choctaw.

Date

Name Charles W. Edwards,

Age 48 Blood 1/8

Post Office, Naughton, La.

Father, William S. Edwards, d

Mother, Eliza " d

Claims through mother —

Children:

Claims for self
alone —

POOR ORIGINAL -
BEST AVAILABLE COPY

Choctaw MCR 4947

Patrick J. Barnett

See MCR 934

MCR 4947

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 18, 1902.

4947

In the matter of the application of Patrick J. Barnett for the identification of herself and her five minor children, Henry J., Robert E., William, Annie M. and Minnie B. Barnett, as Mississippi Choctaws.

W.H. Ritchey, att'y for applicants.

Patrick J. Barnett being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Patrick J. Barnett.
Q What is your age? A Thirty nine.
Q What is your post office address? A Pulp, Fannin County, Texas.
Q How long have you lived there? A I have been living in Texas, in Fannin County ever since I was ten years old.
Q Where did you live before that? A Louisiana.
Q Were you born in Louisiana? A Yes sir.
Q Is your father living? A Yes sir; no sir, he is not.
Q Is your mother living? A No sir.
Q What was your father's name? A Patrick H. Edwards.
Q What was your mother's name? A Julia A. Edwards.
Q Through which parent do you claim your Choctaw blood? A Father's side.
Q How much Choctaw blood do you claim? A About a sixteenth I reckon.
Q Has your father ever been recognized in any way or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States-- A No sir.
Q When and where were your father and mother married? A In Louisiana.
Q Remember the date? A I don't remember.
Q Have you the evidence with you? A Yes sir; it was-- married January 15, 1861.
Q Have you a certificate or proof of the marriage here? A No sir.

Q You just made a memorandum yourself? A Yes sir; out of the record.

Reasonable time will be allowed in which to furnish proper proof of the marriage of the father and mother.

Q Is your husband living? A Yes sir.

Q What is his name? A James R. Barnett.

Q Has he any Choctaw blood or is he a white man? A He is a white man.

Q Do you make any claim for him? A No sir.

Q What is the name of your oldest child under twenty one years of age and unmarried for whom you wish to make application? A Henry J. Barnett.

Q How old is he? A He is twenty.

Q The next child? A Robert E. Barnett.

Q How old is he? A Nineteen.

Q The next one? A William Barnett.

Q How old is he? A Fifteen.

Q Now the next one? A Annie M. Barnett.

Q How old-- A Age twelve.

Q The next? A Minnie L. Barnett.

Q How old? A Nine.

Q The next? A That's all.

Q You claim for yourself and these children, do you? A Yes sir.

Q Is James R. Barnett the father of these children? A Yes sir.

Q And they all live with you at your home? A Yes sir.

Q Were either of you married before? A No sir.

Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?

A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission for yourself or children under the Act of Congress of June 10, 1896? A No sir.

Q Never made application to the Choctaw tribal authorities for your children either? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Do you now come before this Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Understand that article of that treaty? A Well, I don't know; I have heard it enough; I guess it aint necessary to explain it further; I have already some times.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey;

in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand that? A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Phyllis Peachlen.
- Q Did any of your Choctaw ancestors comply with the terms of that article fourteen? A I don't know.
- Q How much Choctaw blood did Phyllis Peachlen have? A A half.
- Q Have you any further proof of that fact- that she had a half Choctaw blood? A No sir.
- Q How do you know that she had that quantity? A I don't know only through relatives.
- Q You only heard in the family? A Yes sir.
- Q Did she live in Mississippi in 1830 and have a family there then? A I have heard them speak about her living there but I don't know.
- Q Did she claim through her father or mother? A I don't know; that is as far as I know.
- Q Did she own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q How old would she be if living now? A I don't know.
- Q You claim through your father? A Yes sir.
- Q Did he live in Mississippi? A Yes sir, born there in Mississippi.
- Q When was he born? A 1835.
- Q Did he have any older brothers and sisters? A Yes sir.
- Q How much older were some of them? More than five years older?
- A Yes, he had some right smart older; I don't know though.
- Q What relation to him was Phyllis Peachlen? A Own grandmother.
- Q Your father claimed through whom? A His mother.
- Q What was her name? A Eliza Edwards; her maiden name was Miller.
- Q Well, she it would seem from your testimony, was living in Mississippi and had a family in 1830 didn't she? A Well, my father was born in Mississippi in '35.
- Q And he had older brothers and sisters? A Yes sir.
- Q If he had a brother or sister five years older then it would show that his father and mother were married and had a family in 1830.
- A Well, they had a good many children over my father I know.
- Q Did any of your Choctaw ancestors other than Phyllis Peachlen own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A No sir, not that I know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838? A I don't know.

Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not as I know of.

Q Did they own or claim any land in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.

Q Did any of your Choctaw ancestors claim any benefits under any treaty made between the United States Government and the Choctaw Indians other than the treaty of 1830? A Not as I know of.

The Indians who remained in Mississippi after the treaty of 1830 was ratified were required in order to take advantage of the treaty of 1830 to go to the United States Indian agent within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States; a good many Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register; his neglect to do so caused many to lose their lands and the improvements on them for they were taken from them by the Government and sold. This caused a good many complaints among the Indians so that in 1837 by act of Congress approved March 3, that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen; in 1842 another Commission was appointed for the same purpose by Congress and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians? A No sir.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had formerly held in Mississippi and which the Government had taken from them and sold? A No sir.

Q This scrip was issued under the act approved August 23, 1842. Is William J. Miller related to you? A Yes sir.

Q Was he made application to be identified as a Mississippi Choctaw? A Yes sir.

Reference is made to his case; M.C.R. 934.

Q Would you like to have the record made in his case considered with yours and also with all those other applicants who claim through Phyllis Peachlen? A Yes sir.

Q Have you any other proof you want to introduce now in support of this claim? A No sir; that is all.

Q Would you like to have any time extended to you? A --

(Reasonable time is allowed this applicant in which to furnish further evidence if she desires in support of this claim.)

Q Do you speak the Choctaw language? A No sir.

Q Is there anything further you want to say in support of this claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; black eyes, dark hair; she does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article four teen of the treaty of Dancing Rabbit Creek.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on March 18, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 28th day of March, 1902.

Clara Mitchellwood

Notary Public.

COPY:

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4947.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 22, 1903.

Patrick J. Barnett,

Pulp, Texas.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R 934
Pearl Barnett, et al.,	M C R 8819
Cordelia Wheless, et al.,	M C R 3382
Emma Wheless,	M C R 3383
Austin Miller, et al.,	M C R 3381
Hattie Bettes, et al.,	M C R 4752
Carrie E. Alderson,	M C R 4938
Julia D. Alderson, et al.,	M C R 4937
Iva Moore, et al.,	M C R 4939
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Alice Teague, et al.,	M C R 4956
Lillian Arledge, et al.,	M C R 4957
Zella Arledge, et al.,	M C R 4961
Sarah Adams, et al.,	M C R 4955
Marvin H. Adams,	M C R 4962
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Nancy I. Locke, et al.,	M C R 4930
Nancy Daniel Locke Goodman,	M C R 4942
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Mary Elizabeth Locke,	M C R 4933
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John F. Alford, et al.,	M C R 5374
Dorset E. Alford,	M C R 4944
John W. Hudson, et al.,	M C R 5375
Neal F. McDade, et al.,	M C R 5377
Patrick J. Barnett, et al.,	M C R 4947
Nona Belle Barnett,	M C R 4948

Charles Wesley Edwards,	M C R 4946
Virginia E. Nix, et al.,	M C R 6304
Charlie A. Hilman,	M C R 6311
Julia Compton, et al.,	M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Oliver Miller, Dona May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sandford Allen Wheless, Oliver Lafayette Wheless, Ida Bell Wheless, Foriest Wheless, Mattie Lee Wheless, Loulei Violer Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Oliver Miller, Hattie Bettles, Blanche Bettles, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Ahee Teague, Eva Teague, Eula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Burt Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patrick J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Nona Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

JOHN

Tams Bixby.
Acting Chairman.

Registered.

MCR-4947

COPY

Muskogee, Indian Territory, April 18, 1907.

Patrick J. Barnett,
Pulp, Texas.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

James S. [illegible]
Commissioner.

Date

MAR 18 1902

Name Patrick J. Barnett F.

Age 39

Blood '116'

Post Office,

Fulp, Texas.

Father: Patrick H. Edwards, d

Mother: Julia A. " d

Claims through
Husband father

James R. Barnett, l. w.

No claim for husband.

Children:

Kenny J. Barnett, 20

Robert E. " 19

William " 15

Annie M. " 12

Minnie L. " 9

Claims for self
and children -

Stenographer K. S. Hains -

Choctaw MCR 4948

Nona Belle Barnett

See MCR 934

MCR 4948

Department of the Interior,
Commission to the Five Civilized Tribes,
Wash., D.C., March 12, 1902.

4945

In the matter of the application of Hona Belle Barnett for
identification as a Mississippi Choctaw.

W.H. Ritchey, att'y for applicant;

Hona Belle Barnett being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Hona Belle Barnett.
Q Please state your age? A Twenty two.
Q What is your post office address? A Pulp, Fannin County, Texas.
Q How long have you lived there? A Twenty two years.
Q Born there, were you? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A James I. Barnett.
Q What is your mother's name? A Patricia Julia.
Q Through which parent do you claim Choctaw blood? A My mother's
side.
Q Your mother has already made application today, hasn't she, to
be identified as a Mississippi Choctaw? A Yes, sir.
Q How much Choctaw blood do you claim? A Mother claims a sixteenth.
Q You claim how much? A A thirty second.
Q Has your mother ever been recognized as a Choctaw Indian or en-
rolled as such by either the Choctaw tribal authorities or the
authorities of the United States in Indian Territory? A No sir.
Q Are you married? A No sir.
Q You just claim for yourself alone, do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in
the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Na-
tion to the Choctaw tribal authorities in the Indian Territory?
QA No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Do you now come before this Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A Yes sir.

Q Would you like to have that explained to you further? A I don't care if you do

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in the State of Mississippi on the 27th day of September of that year and it was made for the purpose of removing all the Choctaw Indians who lived in the old Choctaw Nation from that Nation to the new Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect the interests of these Choctaws who stayed back in the old Choctaw Nation, article fourteen was drawn up and put into the treaty; - an article in a treaty is a subdivision or part of it, just the same as a verse in the Bible is a part of the Chapter: that article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Peachlen.

Q What is her full name? A Phyllis Peachlen.

Q What was her maiden name, was it? A Yes sir.

Q What was her married name? A --

Phyllis what, if you remember? A She married William E. Miller.

Q What relation was she to you? A My mother's great grandmother.

Q Did she live in Mississippi in 1830 and have a family there then?
A I don't know.

Q Did you ever hear that she lived in Mississippi? A Yes, I have heard that she lived there.

Q Did she have a Choctaw Indian name or speak the Choctaw language?
A I don't know.

Q How old would she be if living now? A I don't know; I expect she would be very old.

Q Did she die in Mississippi? A I don't know.

Q Do you know where she was born? A No sir.

Q Did she or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Did she or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent and signify to him their intention to become citizens of the United States and of remaining in Mississippi for five years and of taking land there? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi or Alabama under the provisions of either article fourteen of the treaty of 1830 or under any other article of that treaty or under the supplement to that treaty? A I don't know.

Q Did they ever claim any benefits under any treaty made between the United States Government and the Choctaw Indians other than the treaty of 1830? A Not that I know.

In the year 1837, by an act approved March 3, Congress appointed a Commission to go to Mississippi and hear claimants under article fourteen of the treaty of 1830 and also in 1842 by an act approved August 23, 1842, Congress appointed another Commission for the same purpose; these Commissions were appointed because a great many Choctaw Indians claimed that they had gone to Col. Ward within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi, take land there and become citizens of the United States, but that Col. Ward had failed to place their names upon a register made by him and known as Ward's register. His neglect to do so caused a good many to lose the land they had in Mississippi together with the improvements thereon for they were taken from them by the Government and sold at its Public Land Sale.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians? A I don't know.

Q Did any of your Choctaw ancestors ever receive any scrip from the Government of the United States which authorized them to select land in Mississippi, Alabama, Arkansas or Louisiana to take the place of land which they formerly held in Mississippi and which the Government had taken from them and sold? A I don't know.

Q This scrip was issued under the provisions of the act of Congress approved August 23, 1842. Did-- is William J. Miller related to you?
A Yes, a cousin of mine.

Q He has made application to be identified as a Mississippi Choctaw?
A Yes sir.

(Reference to his case, M.C.R. 934.)

Q Do you want to have his case considered with yours and also all those cases considered together where they claim through Phyllis Peachlen? A Yes sir.

Q Have you any other proof that you want to introduce at this time any evidence of any kind? A No sir.

Q Do you want any time? A -----

Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown eyes, brown hair. She has no knowledge of the Choctaw language and no knowledge of the compliance on the part of any of her ancestors with any of the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on March 18, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 31st day of March, 1902.

Chas. Hutchinswood

Notary Public.

COPY:

COMMISSIONERS

HENRY L. DAWES.
TAMS DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

N. C. R. 4945.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 22, 1903.

Nona Belle Barnett,
Pulp, Texas.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R 934
Pearl Barnett, et al.,	M C R 3819
Cordelia Wheless, et al.,	M C R 3382
Emma Wheless,	M C R 3383
Austin Miller, et al.,	M C R 3381
Hattie Bettes, et al.,	M C R 4752
Carrie E. Alderson,	M C R 4938
Julia D. Alderson, et al.,	M C R 4937
Iva Moore, et al.,	M C R 4939
Lula Sims, et al.,	M C R 4943
Alice Teague, et al.,	M C R 4956
Lillian Arledge, et al.,	M C R 4957
Zella Arledge, et al.,	M C R 4961
Sarah Adams, et al.,	M C R 4955
Marvin H. Adams,	M C R 4962
Lena Broom, et al.,	M C R 4940
Nancy I. Locke, et al.,	M C R 4930
Nancy Daniel Locke Goodman,	M C R 4942
Richard H. Locke,	M C R 4932
John M. Locke, et al.,	M C R 4934
Mary Elizabeth Locke,	M C R 4933
Thomas Clay Locke, et al.,	M C R 4931
Edward J. McDade, et al.,	M C R 5373
Joseph L. McDade, et al.,	M C R 4958
Martha L. Platt, et al.,	M C R 4936
Mattie White, et al.,	M C R 4941
Orrin F. Platt,	M C R 4935
Alexander J. McDade, et al.,	M C R 4949
Exer Mand Gass, et al.,	M C R 4950
Leona T. McDade,	M C R 4945
Jerry S. Hilman, et al.,	M C R 5376
John F. Alford, et al.,	M C R 5374
Dorset E. Alford,	M C R 4944
John W. Hudson, et al.,	M C R 5375
Neal F. McDade, et al.,	M C R 5377
Patrich J. Barnett, et al.,	M C R 4947
Nona Belle Barnett,	M C R 4948

Charles Wesley Edwards,	M C R 4946
Virginia E. Nix, et al.,	M C R 6304
Charlie A. Hilman,	M C R 6311
Julia Compton, et al.,	M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Oliver Miller, Dona May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sanford Allen Wheless, Oliver Lafayette Wheless, Ida Bell Wheless, Forrest Wheless, Mattie Lee Wheless, Louie Violer Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Oliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Teague, Eva Teague, Eula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Burta Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patrick J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Nona Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tams Bixby.
Acting Chairman.

Registered

MCR-4948

COPY

Muskogee, Indian Territory, April 18, 1907.

Nona Belle Barnett,
Fulp, Texas.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

SIGNED 
Commissioner.

POOR ORIGINAL -
BEST AVAILABLE COPY

Date

MAR 18 1902

Name *Wona Belle Barnett*

Age *22*

Blood *1/32*

Post Office, *Fuep, Texas.*

Father: *James I. Barnett, l.*

Mother: *Patrick J. " l.*

Claims through *mother -*

Children:

Claims for self alone

Stenographer

H. B. Hains

Choctaw MCR 4949

Alexander J. McDade

See MCR 934

MCR 4949

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T., March 18, 1902.

4949

In the matter of the application of Alexander J. McDade for the identification of himself and his six minor children, Percy L., Hallie W., Oda, Miller, Carrie May and Evelyn D. McDade, as Mississippi Choctaws.

W.H.Ritchey, att'y for applicants.

Alexander J. McDade being sworn on his oath testified as follows

Examination by the Commission:

- Q What is your name? A Alexander J. McDade.
Q What is your age? A Fifty two.
Q What is your post office address? A Bonham, Fannin County, Texas.
Q How long have you lived at Bonham? A Six years.
Q Where were you born? A Louisiana.
Q And lived there how long before you left that State? A Twenty two years.
Q You went from there where? A Fannin County, Texas.
Q And have lived there since? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Alexander J. McDade.
Q What was your mother's name? A Mary A. McDade; Miller was her maiden name.
Q Through which parent do you claim your Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A One eighth.
Q Has your mother ever been recognized in any manner as a member of the Choctaw tribe of Indians or enrolled as such by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A I don't know.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Mary M. McDade.

Q Do you make any claim for your wife? A No sir.
Q she is a white woman? A Yes sir.
Q Have you any children you want to make application for? A I have six.
Q Under age? A Yes sir.
Q Give me the name of the oldest? A Percy L. McDade.
Q How old is Percy? A Twenty years old.
Q Boy? A Yes sir.
Q Married? A No sir.
Q What is the name of the next child? A Hallie W. McDade.
Q Girl? A Boy.
Q How old is he? A Fifteen years old.
Q The next? A Oda McDade.
Q A girl? A Girl.
Q How old? A Ten years old.
Q The next? A Miller.
Q Is that a boy? A Boy.
Q The next? A Carrie May McDade.
Q How old is she? A Four year old.
Q The next? A Evelyn D. McDade.
Q How old? A A year and a half.
Q That's all is it? A Yes sir.
Q Is Mary McDade the mother of these children? A Yes sir.
Q Are they living with you at your home? A Yes sir.
Q When and where were you married to her? A In Fannin County, October 15, 1885.
Q Were you married by a minister under a license? A Yes sir; well, I have been married twice.
Q Who is the mother of all these children? A My present wife is the mother of five of them; the oldest one is the child of my first wife, Fannie Brown was her maiden name.
Q Fannie McDade, then, was the mother of Percy L. McDade? A Yes sir.
Q And your present wife, Mary M. McDade, is the mother of these five other children? A Yes sir.
Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
Q This is the first application of any kind that you have ever made for yourself or these children for citizenship in the Choctaw Nation, is it? A Yes sir.
Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand article fourteen of the treaty of 1830? A I have heard it read.

Q no you want it explained further? A No sir; I have heard it read so much today.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your ancestors comply with that article? A I don't know.

Q What was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Phyllis Peachlen. She married William E. Miller.

Q Was he a white man? A I don't know.

Q How much Choctaw blood did she have? A An eighth.

Q Did she live in Mississippi in 1830 and have a family there then? A I don't know.

Q Did she ever live in Mississippi? A I don't know.

Q How old would she be if living now? A I don't know that.

Q You claim through your mother? A Yes sir.

Q Did she ever live in Mississippi? A I think so.

Q How old would she be if living now? A She died about five years ago; she was seventy five years old when she died.

Q Do you think she was born in Mississippi? A I don't know.

Q She claimed through whom? A Her mother.

Q What was the mother's name? A Phyllis Peachlen.

Q This is your grandmother, then? A Phyllis Peachlen- yes sir.

Q Did she or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Did she or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States?

A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838 or 1840? A I don't know.

Q Did any of your Choctaw ancestors claim any land or own any in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors own or claim any land in the old Choctaw nation under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.

Q Did any of your Choctaw ancestors claim any benefits under any treaty made between the United States Government and the Choctaw tribe other than the treaty of 1830? A I don't know.

A good many Indians went before the United States Indian agent, Col. Ward, within six months from the ratification of the treaty of 1830 and registered their names or attempted to do so with him as Indians who intended to stay in Mississippi, take land there and become citizens of the United States, whose names Col. Ward failed to put upon his list known as Ward's Register; this they did under the provisions of article fourteen of the treaty of 1830. His neglect as United States Indian agent to make a proper register of the names of all applicants who came to him under that article of that treaty caused a good many Indians who held land in Mississippi to lose their land, for it was taken from them by the Government and sold at its Public Land sale; this caused so many complaints among the Choctaw Indians and as a result of the complaints Congress in 1837 by an act approved March 3, that year, appointed a Commission which went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 by an act approved August 23, that year, another Commission was appointed by Congress for the same purpose and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek.

Q Did you ever hear that any of your ancestors went before either of these Commissions and claimed benefits under article fourteen of that treaty? A No sir.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it further appeared that he had land formerly in Mississippi which the Government sold that he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana to be taken from vacant Government land and that a certificate to that effect should be given him; these certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A I don't know.

Q Who was William J. Miller- how related to you? A First cousin.

Q He has made application here to be identified as a Mississippi Choctaw? A Yes sir.

Q And others also who are related to you and who claim through Phyllis Peachlen? A Yes sir.

Q Do you want to have all these cases considered together? A Yes sir.

Q Have you any other evidence to introduce now? A No sir.

(W.H.Ritchey asks for reasonable time)

Reasonable time will be allowed this applicant in which to introduce evidence in support of this claim.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has florid complexion, light brown hair, blue eyes. He does not speak the Choctaw language and has no knowledge of the compliance on the part of his ancestors with article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 18, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 31st day of March, 1902.

Charles T. Chellwood

Notary Public.

COPY.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4949.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 22, 1903.

Alexander J. McDade,

Bonham, Texas.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R	934
Pearl Barnett, et al.,	M C R	3819
Cordelia Wheless, et al.,	M C R	3382
Emma Wheless,	M C R	3383
Austin Miller, et al.,	M C R	3381
Hattie Bettes, et al.,	M C R	4752
Carrie E. Alderson,	M C R	4938
Julia D. Alderson, et al.,	M C R	4937
Iva Moore, et al.,	M C R	4939
Lula Sims, et al.,	M C R	4943
Alice Teague, et al.,	M C R	4956
Lillian Arledge, et al.,	M C R	4957
Zella Arledge, et al.,	M C R	4961
Sarah Adams, et al.,	M C R	4955
Marvin H. Adams,	M C R	4962
Lena Broom, et al.,	M C R	4940
Nancy I. Locke, et al.,	M C R	4930
Nancy Daniel Locke Goodman,	M C R	4942
Richard H. Locke,	M C R	4932
John M. Locke, et al.,	M C R	4934
Mary Elizabeth Locke,	M C R	4933
Thomas Clay Locke, et al.,	M C R	4931
Edward J. McDade, et al.,	M C R	5373
Joseph L. McDade, et al.,	M C R	4958
Martha L. Platt, et al.,	M C R	4936
Mattie White, et al.,	M C R	4941
Orrin F. Platt,	M C R	4935
Alexander J. McDade, et al.,	M C R	4949
Exer Maud Gass, et al.,	M C R	4950
Leona T. McDade,	M C R	4945
Jerry S. Hilman, et al.,	M C R	5376
John F. Alford, et al.,	M C R	5374
Dorset E. Alford,	M C R	4944
John W. Hudson, et al.,	M C R	5375
Neal F. McDade, et al.,	M C R	5377
Patrich J. Barnett, et al.,	M C R	4947
Nona Belle Barnett,	M C R	4948

Charles Wesley Edwards,
Virginia E. Nix, et al.,
Charlie A. Hilman,
Julia Compton, et al.,

M C R 4946
M C R 6304
M C R 6311
M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. , 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Oliver Miller, Dona May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sanford Allen Wheless, Oliver Lafayette Wheless, Ida Bell Wheless, Forest Wheless, Mattie Lee Wheless, Louie Violer Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Oliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Teague, Eva Teague, Eula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Berta Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patrick J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Nona Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,
MINED

Registered.

Tams Bixby.

Acting Chairman.

MUR-4949

COPY

Muskogee, Indian Territory, April 18, 1907.

Alexander J. McDade,
Bonham, Texas.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

SIGNED

Tams Bixby.
Commissioner.

Date

MAR 18 1902

(McDADE)

Name Alexander J. McRae

Age 52 - Blood 118

Post Office, Bonham, Texas

Father: Alexander J. McRae d

Mother: Mary Ann .. d

Claims through mother
wife.

12 Mary M. McRae l. w.

No claim for wife.

Fannie McRae (1)

mother of Percy L. McRae

Children:

Percy L. McDADE, 20 (M)

Hallie W. .. (M) 15

Oda .. F 10

Miller .. M 6

Carrie May .. F 4

Evelyn H. .. F 1 1/2

Claims for self &
children

Stenographer H. S. Hains.

Choctaw MCR 4950

Exer M. Gass

See MCR 934

MCR 4950

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, March 19, 1903.

---O---

* In the matter of the application of Exer Maud Cass for the identification of herself and her seven minor children Mary, Fannie, Thomas, Clovie, Irene, Arthur and Nellie Cass as Mississippi Choctaws.

---O---

Applicant represented by W. H. Ritchey, Attorney.

---O---

Exer Maud Cass being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Exer Maud Cass.
Q What is your age? A Forty eight.
Q What is your post office address? A Sulphur Springs Hopkins County Texas.
Q How long have you lived there? A About three months.
Q Where did you live before you lived there? A Well I tell you: I lived all over Texas.
Q Where were you born? A In Louisiana.
Q What place? A In Haughton, Louisiana.
Q And how old were you when you left that state? A I was about thirty years old.
Q You married there? A Yes sir.
Q And went where? A To Texas.
Q And have lived in Texas since? A Yes sir.
Q Different places? A Different places all over Texas.
Q What place have you lived the longest at? A I cant tell you to save my life.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Alexander McDade.
Q What was your mother's name? A Mary Ann McDade.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One eighth.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as such by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I dont know.
Q Is your husband living? A Yes sir.
Q What is his name? A William Thomas Cass.
Q Do you claim any Choctaw blood for him or is he a white man? A He's a white man.
Q You make no claim for him? A No claim for him.
Q Have you any children you want to make application for? A Yes sir seven.
Q Are they all under twenty one years of age and unmarried? A Yes sir.
Q What is the name of the oldest child? A Mary Cass.
Q How old is she? A Sixteen.
Q What is the name of the next child? A Fannie Cass.

- Q The next? A Fannie Gass.
Q How old? A Sixteen; they are twins.
Q The next? A Thomas Gass.
Q How old? A Thirteen.
Q The next? A Clovie Gass.
Q Girl? A Yes sir.
Q How old? A Eleven.
Q The next? A Irene Gass.
Q How old? A Nine.
Q The next? A Arthur Gass.
Q How old? A Seven; Nellie Gass.
Q How old is Nellie? A Five.
Q You claim for yourself and these children do you? A Yes sir.
Q Is William T. Gass the father of these children? A Yes sir.
Q And they are living with you at your home are they? A Yes sir.
Q Have either you or your husband ever been married previous to your marriage to each other? A My husband was; I'm his second wife.
Q There are no children you desire to make application for by that first marriage? A No sir.
Q His wife was a white woman? A Yes sir.
Q Is your name or the names of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory for yourself and children? A No sir.
Q Have you ever tried to become enrolled or to get these children enrolled as Choctaw Indians by making application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you now come before the Commission in order that you may identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830?
A Yes sir.
Q Do you understand that article? A I think I do; I know I do; I have taught it to my children too.
Q Without the explanation it reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of

Exer Maud Cass--3.

a Choctaw citizen but if they ever
remove are not to be entitled to any portion
of the Choctaw annuity."

- Q What is the name of your ancestor through whom you claim
a right to be identified as a Mississippi Choctaw? A Phyllis
Peachlen. Miller.
- Q Did she or any of your Choctaw ancestors comply with that
article; do you know? A I dont know.
- Q What relation was she to you? A she was my grand mother.
- Q Did she live in Mississippi in 1830? A I dont know; I have
been taught by my family that she did.
- Q Did she have a family in Mississippi at that time? A I
dont know.
- Q How old would she be if living now? A She would be over
a hundred or about a hundred.
- Q Do you know when and where she died? A No sir; I was'nt
born at that time; I dont know.
- Q Do you know when and where she was born? A She was born in
Mississippi I reckon. I dont know.
- Q And liv ed there how long? A I dont know.
- Q I thought perhaps you might know as a matter of family
tradition. A Yes sir I have heard -- from hearsay.
- Q What have you heard in the family about how long she
lived in Mississippi or when? A I dont know .
- Q Have'nt heard much about that? A No sir I dont know.
- Q How much Choctaw blood did she have? A She was one half.
- Q Was her husband a white man? A Yes sir.
- Q And what was his name ? A William Ellis Miller.
- Q Did any of your Choctaw ancestors own any improvements on
land in Mississippi or Alabama in 1830? A I dont know .
- Q Did any of them within six months after the ratification
of the treaty of 1830 go to the United States Indian Agent,
Colonel Ward and tell him they wanted to stay in Mississippi
take land there and become citizens of the United States?
- A I dont know.
- Q Did any of your Choctaw ancestors go from that old Choctaw
Nation to the Choctaw nation Indian Territory with the
other Indians between 1833 and 1838? A I dont know
whether they did or not.
- Q Did any of them own any land in Mississippi or Alabama
in the old Choctaw Nation which they claimed under article
fourteen of the treaty of Dancing Rabbit creek? A No sir
I dont know.
- Q Did they own or claim any land in Mississippi or Alabama
in the old Choctaw Nation under any other article of the trea-
ty of 1830 than article fourteen or under the supplement.
- A I dont know.
- Q Did they claim any benefits under any treaty made between
the United States government and the Choctaw Indians other
than the treaty of 1830? A I dont know.
- Q The Indians who stayed in the old Choctaw Nation after the
treaty of 1830 was ratified were required if they wanted
to take advantage of article fourteen of that treaty to
go to the United States Indian agent, Colonel Ward, within
six months from the ratification of the treaty which was
on the 24th day of february 1831 and tell him they wanted
to stay in Mississippi take land there and become citizens
of the United States; a good many Indians did this whose
names Colonel Ward failed to put upon his list known as
Ward 's register; in other words they made an attempt to
register but he failed to register a good many of them and

and his failure to do so caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose both; both were taken from them by the government and sold at its public land sales. So many complaints were made that Congress in 1837 appointed a commission under an act approved March 3, of that year and this Commission went to the state of Mississippi and heard claimants under the fourteenth article of the treaty of 1830; and in 1842 another commission was appointed by Congress for the same purpose under an act approved August 23 of that year and this commission went to Mississippi and heard claimants under that article of that treaty; did any of your Choctaw ancestors go before either of those two commissions and claim benefits under article fourteen of that treaty? A I dont know.

- Q Did any of your Choctaw ancestors receive any scrip from the government of the United States as Choctaw Indians which entitled them to select land in Mississippi Alabama, Louisiana or Arkansas to take the place of land which they had formerly had in Mississippi but which the government had taken from them and sold? A I dont know.
- Q These certificates or as it was then called scrip, was issued under an act of Congress approved August 23, 1842, the same act which appointed the second commission; but you never heard your ancestors received any? A No sir.
- Q Do you know William J. Miller? A Yes sir; he's my first cousin.
- Q Has he made application to be identified as a Mississippi Choctaw? A He has.
- Q Do you remember when he appeared? A No I dont.

M.C.R. Number 934, case of William J. Miller is here referred to.

- Q Do you want to have the testimony taken in his case considered with your and also the testimony of other relatives claiming through Phyllis Peachlen? A Yes sir.
- Q They will all be considered together. Have you any other proof you want to introduce at this time? A No I dont know that I have.
- Q Do you want a little time in which to introduce further evidence? A Yes sir.
- Q Reasonable time will be allowed this applicant in which to furnish other proof in support of this claim if she so desires.
- Q Do you speak or understand the Choctaw language? A No I dont.
- Q Is there any other statement you wish to make in support of this case? A No sir.

Applicant has the appearance and physical characteristics of being descended from white parentage; brown eyes; dark brown hair; she has no knowledge of the Choctaw language; no knowledge of compliance on part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized

Tribes she reported in full all proceedings had in the above
entitled cause on the 19th day of March 1902 and that the
above and foregoing is a full true and correct transcript
of her stenographic notes of said proceedings on said date.

Chas. M. Hillwood

Subscribed and sworn to before me this 3rd day of April 1902.

William J. Martin
Notary Public.

COPY.

COMMISSIONERS

HENRY L. DAWES.
TAMS BIXBY,
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4950.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 22, 1903.

Exer M. Gass,

Sulphur Springs, Texas.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R 934
Pearl Barnett, et al.,	M C R 3819
Cordelia Wheless, et al.,	M C R 3382
Emma Wheless,	M C R 3383
Austin Miller, et al.,	M C R 3381
Hattie Bettes, et al.,	M C R 4752
Carrie E. Alderson,	M C R 4938
Julia D. Alderson, et al.,	M C R 4937
Iva Moore, et al.,	M C R 4939
Lula Sims, et al.,	M C R 4943
Alice Teague, et al.,	M C R 4956
Lillian Arledge, et al.,	M C R 4957
Zella Arledge, et al.,	M C R 4961
Sarah Adams, et al.,	M C R 4955
Marvin H. Adams,	M C R 4962
Lena Broom, et al.,	M C R 4940
Nancy I. Locke, et al.,	M C R 4930
Nancy Daniel Locke Goodman,	M C R 4942
Richard H. Locke,	M C R 4932
John M. Locke, et al.,	M C R 4934
Mary Elizabeth Locke,	M C R 4933
Thomas Clay Locke, et al.,	M C R 4931
Edward J. McDade, et al.,	M C R 5373
Joseph L. McDade, et al.,	M C R 4958
Martha L. Platt, et al.,	M C R 4936
Mattie White, et al.,	M C R 4941
Orrin F. Platt,	M C R 4935
Alexander J. McDade, et al.,	M C R 4949
Exer Maud Gass, et al.,	M C R 4950
Leona T. McDade,	M C R 4945
Jerry S. Hilman, et al.,	M C R 5376
John F. Alford, et al.,	M C R 5374
Dorset E. Alford,	M C R 4944
John W. Hudson, et al.,	M C R 5375
Neal F. McDade, et al.,	M C R 5377
Patrich J. Barnett, et al.,	M C R 4947
Nona Belle Barnett,	M C R 4948

Charles Wesley Edwards,	M C R 4946
Virginia E. Nix, et al.,	M C R 6304
Charlie A. Hilman,	M C R 6311
Julia Compton, et al.,	M C R 6312


These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Oliver Miller, Dona May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sanford Allen Wheless, Oliver Lafayette Wheless, Ida Bell Wheless, Forest Wheless, Mattie Lee Wheless, Louie Violer Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Oliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Teague, Eva Teague, Eula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Burt Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Ida McDade, Patrick J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Nona Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,


Tams Bixby.
 Acting Chairman.

Registered

MOR-1950

COPY

Muskogee, Indian Territory, April 18, 1907.

Exer M. Cass,

Sulphur Springs, Texas.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

SIGNED

Tams Bixby.
Commissioner.

No. 4950

For Identification as a Mississippi Choctaw

Date

Jan 1 1902

Name *Ezer M. Gass (F.)*

Age *48*

Blood *1/8*

Post Office, *Stephens Springs, Tex.*

Father: *Alexander McLeod*

Mother: *Mary Ann " d*

Claims through *Mother -*

~~Husband.~~
William T. Gass, S.W.

*No claim for
husband -*

Children:

<i>Mary Gass</i>	<i>born</i>	<i>16</i>
<i>Fannie "</i>		<i>16</i>
<i>Thomas "</i>		<i>13</i>
<i>Clovie " F</i>		<i>11</i>
<i>Irma " "</i>		<i>9</i>
<i>Arthur "</i>		<i>7</i>
<i>Nellie "</i>		<i>5</i>

Claim for self &

children

Stenographer

Chas. M. Moore

Choctaw MCR 4951

Chatman Thompson

See MCR 126

MCR 4951

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Philadelphia, Mississippi, March 10th, 1902.

In the matter of the death of Earnest Thompson, Mississippi
Choctaw card Field No. 126.

George Polk, being first duly sworn, testified as follows:
(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A George Polk.
Q How old are you? A Forty-three.
Q What's your postoffice address? A Tucker.
Q Washoba County, Mississippi? A Yes.
Q Are you a full blood Choctaw Indian? A Yes.
Q During last week you were employed by the Commission to go among
the Indians in the vicinity of Tucker, Mississippi and notify them
of the presence of the Commission at Philadelphia, were you not?
A Yes sir.
Q Are you acquainted with a full blood Choctaw by the name of Chat-
man Thompson? A Yes.
Q Where does he live? A He lives southwest of Tucker.
Q Is he married? A Yes.
Q Is his wife living? A Yes.
Q What's her name? A Lillie.
Q Has he any children? A Yes, he got four but one died.
Q Three living? A Yes.
Q What are the names of those living, do you know? A The oldest
one is Charlie, and a pair of twins born last Fall--I don't know
their names.
Q Did he ever have a boy by the name of Earnest? A Yes, but he done
dead.
Q When did he die? A About a year ago.
Q Were you present when he died? A No sir.
Q Do you know just what month it was when he died? A No, I don't
know the month he died.
Q Were you at his burial? A No sir.
Q Where is he buried? A He buried in Tucker.
Q How do you know he's dead? A After he was buried his mother came
over there and told me he died.

Ira S. Niles, being first duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he reported in full
all proceedings had in the above entitled cause, heard at Philadel-
phia, Mississippi, March 10th, 1902, and that the above and foregoing
is a full, true and correct transcript of his stenographic notes
taken in said proceedings on said date.

Subscribed and sworn to before me this the 29th day of March, 1902,
at Seale, Mississippi.

L. O. Mosely
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

4951

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Philadelphia, Mississippi, March 10th, 1902.

In the matter of the application of Chatman Thompson for the identification of himself, his wife Lillie and three minor children, Charlie and ----- and -----, as Mississippi Choctaws, represented by irregular interpreter, George Polk.

Said George Polk, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A George Polk.
Q How old are you? A Forty-three.
Q What's your postoffice address? A Tucker.
Q Weshoba County, Mississippi? A Yes.
Q Are you a full blood Choctaw Indian? A Yes.
Q During last week you were employed by the Commission to go among the Indians in the vicinity of Tucker, Mississippi, and notify them of the presence of the Commission at Philadelphia, were you not?
A Yes sir.
Q Are you acquainted with a man by the name of Chatman Thompson?
A Yes.
Q How long have you known him? A I been knowing him a long time.
Q About how long? A About thirty years I believe.
Q Is he a full blood Choctaw? A Yes.
Q About how old a man is he? A About forty-five or six--somewhere along there.
Q What's his postoffice address? A Tucker.
Q Weshoba County, Mississippi? A Yes.
Q Has he lived in Mississippi all his life? A Yes.
Q Is his father living? A No sir, he's dead.
Q What was his name? A I don't know.
Q Is his mother living? A Yes.
Q What's her name? A Sealy.
Q Sealy what? A I don't know--that's all I know.
Q Is Sealy married? A No--she's a widow.
Q What was her last husband's name? A Jim Posteah.
Q Where does Sealy live at this time? A She lives with Chatman.
Q Do you know the name of either one of Sealy's parents--her father or mother? A No, I don't know.
Q So far as you know, have all of Chatman's ancestors always lived here in Mississippi? A I don't know.
Q Did you ever hear of any of them living anywhere else? A No.
Q Are you sure that all of his ancestors have been full blood Choctaws? A Yes, sir.
Q Is Chatman married? A Yes.
Q Is his wife living? A Yes.
Q Is he living with her now? A Yes.
Q Has he been married more than once? A No.
Q Has she? A No.
Q What's her name? A Lillie.
Q Is Lillie a full blood Choctaw? A Yes.
Q About how old is she? A About thirty.

Chatman Thompson et al--2

- Q Was she lived here in Mississippi all her life? A Yes.
- Q Was she married to Chatman under a license or according to the Choctaw custom? A Choctaw custom.
- Q How long have they been living together? A About eighteen years I reckon.
- Q Is Lillie's father living? A No sir.
- Q What was his name? A Scott Sho-tubbee.
- Q Was he a full blood? A Yes.
- Q Did he live here in Mississippi all his life? A Yes.
- Q Is Lillie's mother living? A Yes.
- Q What's her name? A We call her Phoebe but Lillie says her name is Mollie.
- Q Where does she live? A She lives in Kemper now.
- Q Is she a full blood Choctaw? A Yes.
- Q Does she go by the name of Mollie Macubbee? A Yes.
- Q About how old is she? A About sixty.
- Q About how old would Scott be if he were living now? A I don't know.
- Q Was he older or younger than Mollie? A Older than Mollie.
- Q Do you know the name of Scott's father or mother? A No.
- Q Do you know the name of Mollie's father or mother? A I know Macubbee was her father.
- Q How long has Macubbee been dead? A I don't know.
- Q Was he a full blood Choctaw? A Yes.
- Q Have Chatman and Lillie any children living? A Yes.
- Q How many? A Three.
- Q What are their names and ages? A Charlie.
- Q About how old? A About six years old.
- Q What are the names of the other ones, do you know? A They're twins and I don't know their names.
- Q How old are they? A About four or five month's old.
- Q What month were they born in? A About October somewhere.
- Q Last year? A Yes.
- Q All these three children are the children of Chatman and Lillie Thompson, are they? A Yes.
- Q They are living with them? A Yes.
- Q Is that all of their children? A Yes.
- Q Do you know whether any application of any description has ever been made for these people before today? A No sir.

The records of the Commission show that on the 30th day of January, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of Chatman Thompson, his wife Lillie and minor children Charlie and Earnest as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card Field No. 126, also upon Page 51 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, being numbers 450, 451, 452, and 453, respectively thereon.

- Q Have you seen Chatman within the last few days and notified him of the presence of the Commission at Philadelphia and that he was

Chatman Thompson et al---3

wanted there to make application for identification as a Mississippi Choctaw? A Yes.

Q When did you see him? A I seen him last Saturday.

Q What did he tell you about coming before the Commission? A He said he cant hardly walk--he would like to go over the re and see you all but he cant hardly walk--his foot's sore and if you come to his house he would give his name.

Q How far does he live from the camp of the Commission at Philadelphia? A About ten miles.

Q Do you know whether any of the ancestors of Chatman or Lillie ever complied with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits under it? A No, I don't know.

Q Do you know any old person living in this vicinity who would likely know about that? A No, I don't know.

Q Was Chatman any brothers living? A Yes sir.

Q How many? A One.

Q What's his name? A Johnson Post oak.

Q Was he any sisters living? A No sir.

Q Was Lillie any brothers living? A Yes sir.

Q How many? A Two.

Q What are their names? A Chubbee Scott and Marshall Scott.

Q Was she any sisters living? A Yes.

Q How many? A Two.

Q What's that sister's name? A ~~Mammoth~~ Hannah.

Q Is she married? A Yes.

Q What's her husband's name? A William McDonald.

Q What's the name of the other sister? A Hannah.

Q Is she married? A Yes.

Q What's her husband's name? A Lee McDonald.

This application is made in behalf of Chatman Thompson, his wife Lillie and three minor children, by George Polk who was during last week engaged to notify Indians living in the vicinity of Tucker of the presence of the Commission at Philadelphia, Mississippi. From the testimony of Polk and other information received by the Commission, there can be no doubt that these people are all living and that they are full blood Choctaw Indians. Inasmuch as it is apparent that Chatman Thompson does not intend to appear before the Commission, it has been deemed best to make the above record.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Philadelphia, Mississippi, March 10th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 29th day of March, 1902, at Seale, Mississippi.

L. B. Moseley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By

Deputy.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application for the identification of
Chatman Thompson, et al., as Mississippi Choctaws, M.C.R. 4951.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
on March 10, 1902, by George Polk, for Chatman Thompson, his wife,
Lillie Thompson, and his three minor children, Charlie, Robert and
Arba Luvenia Thompson, under the following provision of the act of
Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

From the evidence submitted in support of said application
it appears that all the applicants are full-blood Mississippi Choctaw
Indians.

Section forty-one of the act of Congress entitled "An Act

(2)

to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Chatsman Thompson, Lillie Thompson, Charlie Thompson, Robert Thompson, and Arba Luvenia Thompson should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Chairman.

T. B. Noe

Commissioner.

(SIGNED)

Commissioner.

Muskogee, Indian Territory,

MAY 20 1903

Commissioner.

MERIDIAN, MISSISSIPPI, October 6, 1903.

Chatman Thompson,

Tucker, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on March 10, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 A. M. and 6 P. M.

Very respectfully,

Special Agent.

M C R 4951

Muskogee, Indian Territory, October 20, 1903.

Charley Chatman,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th ultimo, in which you state that about eight years ago, at Philadelphia, Mississippi, you made application for the identification of yourself, your wife, Lilly Scott, and three minor children, Charley, Robert, and Earby Levenia Chatman; said letter being in answer to our communication of recent date wherein you were advised that your name did not appear upon our records.

As we are still unable to locate any of the above mentioned names, a list of questions is herewith enclosed in order that we may, if possible, identify you upon our records as an applicant for identification as a Mississippi Choctaw. Kindly answer the questions and return same to this office.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, November 11, 1903.

Charley Chatman,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, enclosing list of answered questions, and from this information it is believed that you are the Chatman Thompson for whom application was made to this Commission by George Polk on March 10, 1902, at Philadelphia, Mississippi, for identification as a Mississippi Choctaw, but before anything further can be done as to identifying you as a Mississippi Choctaw it will be necessary for you to make personal appearance before this Commission at Muskogee, Indian Territory, for the purpose of testifying in person in support of your claim. It is suggested that you make such appearance at as early a date as practicable.

Respectfully,

Chairman.

Meridian, Mississippi, November 30, 1903

Chatman Thompson,

Tucker, Mississippi.

Dear Sir-

Under date of October 6, 1903, the following letter was written to you:

It appears from the records of the Commission that on March 10, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and must, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim, it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

File 114

Special Agent.

Muskogee, Indian Territory, December 9, 1903.

Charley Chatman,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 30th ultimo, stating that you are unable to bear the expense of appearing before the Commission at Muskogee to testify in support of your application for identification as a Mississippi Choctaw. You ask if you could give such testimony before the Commission at Tishomingo, or if a sworn statement made before any U. S. District Judge would be sufficient.

In reply you are informed that in the determination of your rights to identification as a Mississippi Choctaw it is necessary that you appear before this Commission at its office at Muskogee, Indian Territory, for the purpose of testifying relative to such rights.

Respectfully,

Chairman.

C O P Y

Ardmore, I. T. March 5, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:-

Please deliver to Hon. Thos. Norman of Ardmore,
Indian Territory, copies of records in matter of my identification
as a Mississippi Choctaw (M C R 4951) that the Commission may under
the law give out to attorneys, as I have employed him to represent
me in this case.

WITNESSES TO MARK:

his
Chatman X Thompson
mark

M. Ikard

Isham Johnston

M C R 4951

Muskogee, Indian Territory, March 10, 1904.

Thos. Norman,
Ardmore, Indian Territory.

Dear Sir:

In accordance with your request of the 5th instant, there is herewith enclosed you one copy of the testimony given by George Polk in the matter of the application made by him for the identification of Chatman Thompson as a Mississippi Choctaw.

Respectfully,

Commissioner in Charge.

McM 3/10

M C R 4951

Muskogee, Indian Territory, March 17, 1904.

Thomas Norman,

Attorney-at-Law,

Ardmore, Indian Territory.

Dear Sir:

It appears from the records of the Commission that on March 10, 1902, George Polk appeared before this Commission at Philadelphia, Mississippi, and made application for the identification of Chatman Thompson, his wife, Lillie Thompson, and his three minor children as Mississippi Choctaws. George Polk at that time was unable to give the names of two of the minor children who were twins, and in order to secure this information in proper form there is enclosed you herewith an affidavit in interrogatory form which you are directed to have Chatman Thompson take before some Notary Public and answer under oath the questions therein propounded, returning the same to this Commission in the enclosed envelope which requires no postage.

This matter should receive your immediate attention.

Respectfully,

Enc. JD 1-17
& Rev.

Commissioner in Charge.

M C R 4951

Muskogee, Indian Territory, March 24, 1904.

Thomas Norman,

Attorney-at-law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of Charley Thompson, together with the affidavit of birth of Robert and Arba Chatman. The affidavit of Charley Thompson is returned to you for the reason that it purports to be the affidavit of Chatman Thompson, the Commission having no means of knowing that these parties are identical. You will fill out the enclosed affidavit, which is a duplicate of the former, and return same to the Commission in the enclosed envelope.

As to the birth affidavit of the minor children, the same need not be returned as application has heretofore been made for them.

Respectfully,

Enc. JD 1-24
& Env.

Commissioner in Charge.

M.C.R.4951

Muskogee, Indian Territory, April 1, 1904.

Thos. Norman,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo enclosing affidavit, in interrogatory form of Chatman Thompson (or Charley Chatman). The same has been filed with the record in the Mississippi Choctaw case of Chatman Thompson, et al.

Respectfully,

Commissioner in Charge.

M.C.R. 4951

COPY:

Muskogee, Indian Territory, May 20, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 20, 1904, identifying Chatman Thompson, his wife Lillie Thompson, and minor children Charlie, Robert, and Arba Luvenia Thompson, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said applicants as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file protest within the time allowed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

T. B. Needles

Registered.

Commissioner in Charge.

Incl. MCR 4951.

(See MCR 7433 for registry receipt for this letter).

COPY.

Muskogee, Indian Territory, May 20, 1904.

Thomas Norman,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 20, 1904, rendered its decision identifying Chatman Thompson, his wife Lillie Thompson, and minor children Charlie Thompson, Robert Thompson and Arba Luvenia Thompson, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, the persons so identified, in order to avail themselves of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 20, 1904, and must make proof of such removal and settlement on or before May 20, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

T. B. Needles

Commissioner in Charge.

Registered.

COPY

Muskogee, Indian Territory, May 20, 1904.

Chatman Thompson,

Ardmore, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 20, 1904, identifying you, your wife, Lillie Thompson, and minor children Charlie Thompson, Robert Thompson and Arba Luvenia Thompson, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order to avail yourselves of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 20, 1904, and must make proof of such removal and settlement on or before May 20, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

T. B. Needles

Commissioner in Charge.

Registered.

Incl. MCR 4951.

Muskegee, Indian Territory, May 4, 1905.

J. W. Newcomb,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 24, 1905, relative to making proof of removal to and settlement within the Choctaw-Chickasaw country of Arba Luvenia Thompson, minor child of Chatman and Lillie Thompson. You state that you have been appointed guardian for this child, and that you are of the opinion said child was removed from Mississippi to the Indian Territory by the United States Government.

In reply you are informed it appears from our records that on May 20, 1904, the Commission rendered a decision identifying Chatman Thompson, his wife, Lillie Thompson, and their minor children, Charlie, Robert and Arba Luvenia Thompson, as Mississippi Choctaws, their names appearing upon a schedule of duly identified Mississippi Choctaws opposite numbers 2216, 2217, 2218, 2219 and 2220, respectively, approved by the Secretary of the Interior on July 2, 1904.

This office has no record of the removal from Mississippi to Indian Territory of Arba Luvenia Thompson, and in order for selection of allotment to be made in her name it will be necessary

2 V E E

that satisfactory proof of her removal to and settlement in the Choctaw-Chickasaw country within the time required by law, be submitted prior to May 20, 1905, which is one year from the date of her identification as a Mississippi Squatter by the Commission.

Respectfully,

Chairman.

M C R 4951.

Muskogee, Indian Territory, March 1, 1907.

S. W. Newcomb,

Ardmore, Indian Territory.

Dear Sir:

Replying to your letter of February 14, 1907, in the matter of the enrollment of one Arba Luvenia Thompson, you are advised that same has not, to this date, been finally approved by the Secretary of the Interior.

Respectfully,

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Chatman Thompson, et al., as Mississippi Choctaws, M.C.R. 4951.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
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Testimony of Chatman Thompson-----	4
Affidavit of Chatman Thompson-----	5
Decision of the Commission identifying Chatman Thompson, et al., as Mississippi Choctaws-----	7

-oOo-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Chatman Thompson, et al., as Mississippi Choctaws, M.C.R. 4951.

UNITED STATES OF AMERICA |
INDIAN TERRITORY | ss.
SOUTHERN DISTRICT |

Before me, John Tippet, a Notary Public, with-
in and for the Souther District, Indian Territory, personally ap-
peared Chatman Thompson, who, being by me first duly sworn,
upon his oath testified as follows:

- Q What is your name, age and postoffice address?
A Charley Chatman or Chatman Thompson, about 36 years old,
Arimore, Indian Territory.
- Q Are you the identical Chatman Thompson for whom George Bolk made
application for identification as a Mississippi Choctaw at Phila-
delphia, Mississippi on March 10, 1902? A Yes.
- Q Are you a full blood Choctaw? A Yes, full-blood.
- Q What is the name of your father? A Isaac Thompson.
- Q Is he living or dead? A Dead.
- Q Was he a full blood Choctaw? A Yes.
- Q What is the name of your mother? A Sarah Postock.
- Q Is she living or dead? A Living.
- Q Was she a full blood Choctaw? A Yes.
- Q What is the name of your wife? A Billie Scott.
- Q What is her age? A about 30.
- Q Is she a full blood Choctaw? A Yes, full-blood.
- Q What is the name of her mother? A Martha Scott.
- Q Is she living or dead? A Living.
- Q Was she a full blood Choctaw? A Yes.
- Q What is the name of her father? A Scott, full-blood.

- Q Is he living or dead? A Dead
- Q Was he a full blood Choctaw? A Yes.
- Q What are the names of the two twins for whom George Polk made application on March 10, 1902?
A Robert and Arba Lavenia.
- Q Have you any child by the name of Charley? A Yes.
- Q How many children did you have on March 10, 1902? A three
- Q Give their names and ages?
A Charley about 7 years old, and Arba Lavenia and Robert (twins) about three years old.
- Q Have any of these children died since March 10, 1902? if so, give name and exact date of death?
A No.
- Q Have all your ancestors, and the ancestors of your wife been full blood Choctaws? A Yes.

Witnesses
to mark.

J. R. Shannon
Eena Tiffit

Chatman Simpson
or Charley Chatman ^{this} ~~mark~~

Subscribed and sworn to before me this 26 day of March, 1904.

Eena Tiffit
Notary Public.

Q Were you ever known by the name of Chatman Thompson?

A *yes*

Q What is your age? A *about 36*

Q Was your post office address in the year 1902, Tucker, Mississippi? A *yes*

Q Was your mother ever called Sealy Postoak? A *yes*

Q What is the age of your wife, Lillie? A *about 26*

Q Are the names of her father and mother Scott and Mollie Shottubbee? A *yes*

Q How old is your son Charley? A *about 9*

Q Did your wife, Lillie, have twin children born to her in the latter part of 1901, or the first part of the year 1902?

A *yes. Robert and Early Lavinia Chatman*

To be Filed with M C R 4951.

Department of the Interior.
Commission to the Five Civilized Tribes.

--o--
Philadelphia, Waseha County, Miss., Monday, January 30, -- 1899.

--o--
Applications for identification as Mississippi Choctaws.
--o--

Chatman Thompson, the applicant, states: I am 32 years old, and a full blood Choctaw. My wife is a full blood named Lillie, about 17 years old. Our children are Charlie, 2, and Earnest two months old.

--o--

Harry C Risteen, stenographer to the Commission to the Five Civilized Tribes, being first duly sworn, upon his oath states: That the above and foregoing is a full, true and correct copy of the proceedings had at Philadelphia, Mississippi, on January 30, 1899, in the matter of the application of Chatman Thompson, et al., for identification as Mississippi Choctaws, as appears upon the records of the Commission.

Harry C Risteen

Subscribed and sworn to before me this 17 day of February 1903.

Charles H. Sawyer

Notary Public.

For Identification as a Mississippi Choctaw.

Philadelphia Miss

Date MAR 10 1902

Name *Chotman Thompson*
by *George Fulk*
Age 45 Blood full

Post Office, Tucker, Miss

Father: don't know - d

Mother: *Sealy Post* d L

Claims through both parents.

wife *Lillie Thompson* (full) 30 d

Father *Scott Shottabbee* L

Mother *Hollie*

For self, wife and 3 children

Children:

Charlie Thompson 6

~~~~~ " (Twins) 4 mo

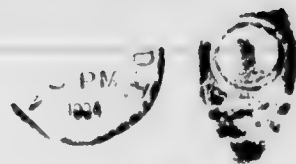
~~~~~ " 4 mo

See Miss. Choctaw card N. 126

Father of *Hollie* *Shottabbee* d

Stenographer

J. I. Niles



communications. The address **MUST NOT** be changed.

101

Commission of the Five Civilized

ANDERSON, IND. TEL

OFFICIAL BUSINESS

Penalty for private use, \$3

APD

IND. TER

Choctaw MCR 4952

Sealy Post oak

MCR 4952

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-cOc-

In the matter of the application for the identification of
Sealy Postoak as a Mississippi Choctaw.

-cOc-

Herein is the record in the matter of the application of
Sealy Postoak as a Mississippi Choctaw, M.C.R. - 4952.

-cOc-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Sealy Postoak as a Mississippi Choctaw, M.C.R. 4952.

--: I N D E X :--

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Decision of the Commission identifying Sealy Postoak as a Mississippi Choctaw-----	3

-oOo-

4952

full

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Philadelphia, Mississippi, March 10th, 1902.

In the matter of the application of Sealy Postoak for identification as a Mississippi Choctaw, represented by irregular interpreter, George Polk.

Said George Polk, being first duly sworn, testified as follows:
(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Gorge Polk.
Q How old are you? A Forty-three.
Q What's your postoffice address? A Tucker.
Q Neshoba County, Mississippi? A Yes.
Q Are you a full blood Choctaw Indian? A Yes.
Q During last week you were employed by the Commission to go among the Indians in the vicinity of Tucker, Mississippi, and notify them of the presence of the Commission at Philadelphia, were you not?
A Yes sir.
Q Are you acquainted with a woman by the name of Sealy Postoak?
A Yes.
Q About how old is she? A About sixty-eight I reckon.
Q Is she a full blood Choctaw? A Yes.
Q What's her postoffice address? A Tucker.
Q Has she always lived here in Neshoba County, Mississippi? A Yes.
Q Has she a Choctaw name? A I don't know.
Q Is her father living? A No.
Q What was his name? A I don't know.
Q Is her mother living? A No.
Q Do you know her name? A No sir.
Q Do you know the name of any of Sealy's grandparents? A No, I don't know.
Q You are sure, though, that Sealy is a full blood Choctaw, are you?
A Yes.
Q Is Sealy married? A Yes, she married twice.
Q What's the name of her last husband? A Jim Postoak.
Q Is he living? A Yes.
Q Where? A In Scott County.
Q How long has she been separated from him? A About thirty years.
Q What was her first husband's name? A I don't know.
Q Has Sealy any minor children living? A No.
Q How many children has she living? A Two.
Q What are their names? A Chatman Thompson and Johnson Postoak.
Q You have heretofore on this date testified in regard to the application of Chatman Thompson, have you not? A Yes.
Q Do you know whether any application of any description has ever been made before today for Sealy? A No sir.
Q Chatman appeared before the Commission three years ago, didn't he?
A Yes.
Q You don't know whether he gave in her name then? A No sir, I don't know.
Q With whom does this woman live? A With Chatman.

Sealy Post oak--2

Q Did she live with him three years ago? A Yes, she lived with him all the time--ever since she left her husband.

Q Do you know whether Sealy Post oak knows of the presence of the Commission at Philadelphia, Mississippi? A I talked to her son Chatman about it Saturday and she must know about it.

This application is made in behalf of Sealy Post oak by George Polk a full blood Choctaw who has been employed by the Commission during the last week to notify Indians living in the vicinity of Tucker, Mississippi, of the presence of the Commission at Philadelphia. From the testimony of Polk there can be no doubt that this woman is a full blood Choctaw Indian. We are unable to find any record of any application ever having been made in her behalf to the Commission. She lives ten miles from the camp of the Commission at Philadelphia, Mississippi.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Philadelphia, Mississippi, March 10th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 29th day of March, 1902, at Seale, Mississippi.

L. B. Moseley
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Sealy Postoak as a Mississippi Choctaw, M.C.R. 4952.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commission
on March 10, 1902, by George Polk for Sealy Postoak, under the fol-
lowing provision of the act of Congress approved June 28, 1898 (30
Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

From the evidence submitted in support of said application
it appears that the applicant herein is a full-blood Mississippi
Choctaw Indian.

Section forty-one of the act of Congress entitled "An Act
to ratify and confirm an agreement with the Choctaw and Chickasaw

(2)

tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows;

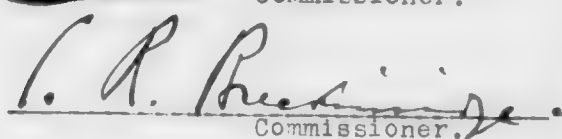
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Sealy Postoak should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Commissioner.

Muskogee, Indian Territory,

MAY 25 1902

MERIDIAN, MISSISSIPPI, October 6, 1903.

Sealy Post oak,

Tucker, Mississippi.

Dear Madam:-

It appears from the records of the Commission that on March 10, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Daw's Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 A. M. and 6 P. M.

Very respectfully,

No. 113--MCR 4952

Special Agent.

Meridian, Mississippi, November 30, 1903.

Sealy Post-oak,

Tucker, Mississippi.

Dear Madam-

Under date of October 6, 1903, the following letter was written to you:

It appears from the records of the Commission that on March 10, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim, it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

File 113.

Special Agent.

M.C.R. 4952

COPY.

Muskogee, Indian Territory, May 5, 1904.

Sealy Postack,

Tucker, Mississippi,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 5th, 1904, identifying you as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory, on or before May 5, 1905.

Respectfully,

(SIGNED)

Jane Bixby.

Chairman.

Registered.

Enc. MCR 4952.

M.C.R. 4952

Muskogee, Indian Territory, May 5, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 5, 1904, identifying Sealy Post oak as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby notified that you will be allowed fifteen days from the date hereof within which to file with the Commission such protest as you desire to make against the action of the Commission in identifying said Sealy Post oak as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file protest within the time allowed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Jams Bixby.

Chairman.

Registered.

Enc. MCR 4952.

(See MCR 5207 for registry receipt for this letter).

11728

COMMISSIONERS
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNORRIDGE.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4952

WM. O. BEALL,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, May 5, 1904.

George Polk,
Tucker, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 5, 1904, rendered its decision identifying Sealy Post oak as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, the person so identified, in order to avail herself of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5th, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,



Chairman.

#1888

No. 4952

For Identification as a Mississippi Choctaw.

Philadelphia Miss Date

MAR 10 1902

Name, *Idaly Post oak*
by George Palk
Age 68 Blood *free*

Post Office, *Tucker, Miss*

Father: *don't know*

Mother:

"

"

Claims through

For self only.

Children:

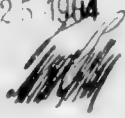
Stenographer

J. J. Niles

DEPARTMENT OF THE JUDICIARY
COMMISSION TO THE FUTURE OF THE JUDICIARY

FILED

AUG 25 1984

A handwritten signature in dark ink, appearing to be "J. B. [unclear]", written over the date stamp.

CHAIRMAN

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

Unknown

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11169*

AUG 21 1914

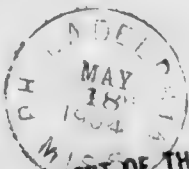
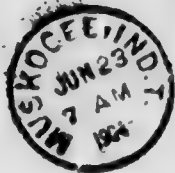


Sealy Post oak,

~~Tucker, Mississippi.~~

U.S. MAIL
MAY 6 1904
REGISTERED





DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 25 1904

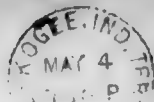
[Handwritten signature]



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



UNCLAIMED

RETURN TO WRITER

mc R
4952

~~George Polk,~~

~~Tucker, Mississippi.~~

Choctaw MCR 4953

Lula Poik

See MCR 169, 151, 1994

MCR 4953

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Lula Polk as a Mississippi Choctaw.

-oOo-

Herein is the record in the matter of the application
for the identification of Lula Polk as a Mississippi
Choctaw, M.C.R. 4953.

-oOo-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--o--

In the matter of the application for the identification of
Lula Polk, as a Mississippi Choctaw, M.C.R. 4953.

--: I N D E X :--

	(Page)
Original application for the identification of Lula Polk as a Mississippi Choctaw-----	1
Testimony of Jesse Thomas-----	4
Decision of the Commission identifying Lula Polk as a Mississippi Choctaw-----	5

-oOo-

4953

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Philadelphia, Mississippi, March 10th, 1902.

In the matter of the application of Lula Polk for identification as a Mississippi Choctaw, represented by George Polk.

Said George Polk, being first duly sworn, testified as follows:

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A George Polk.
- Q How old are you? A Forty three.
- Q What's your postoffice address? A Tucker.
- Q Neshoba County, Mississippi? A Yes.
- Q Are you a full blood Choctaw Indian? A Yes.
- Q During last week you were employed by the Commission to go among the Indians in the vicinity of Tucker, Mississippi and notify them of the presence of the Commission at Philadelphia, were you not? A Yes.
- Q You have heretofore made application for yourself? A Yes.
- Q Do you know a man by the name of Winston Polk? A Yes.
- Q Where does he live? A He lives close to Tucker.
- Q Is he a full blood Choctaw? A Yes.
- Q Any relation to you? A My full brother.
- Q Has he been before the Commission within the last year? A Yes.
- Q Where? A At Philadelphia last May.
- Q Was he married at that time? A No sir.
- Q Has he married since that time? A Yes.
- Q Is his wife living? A Yes.
- Q What's her name? A Lula.
- Q Is she a full blood Choctaw? A Yes.
- Q Has any application of any description been made for her within the last year to the Commission? A No sir.
- Q When did she and Winston marry? A About last October.
- Q You don't know the day? A No sir, I don't know the day.
- Q Were they married under a license or according to the Choctaw custom? A Under a license.
- Q Where were they married? A At the Catholic church in Tucker.
- Q Were you there? A No.
- Q Who married them? A A Catholic priest.
- Q Are they living together now? A Yes.
- Q How old is his wife Lula? A About twenty, I reckon.
- Q Had she been married before Winston married her? A No sir.
- Q Had no children? A No.
- Q Are you sure she is a full blood Choctaw? A Yes.
- Q What's Winston's postoffice address? A Tucker.
- Q Has Lula lived here in Mississippi all her life? A Yes sir.
- Q How long have you known her? A I been knowing her ever since about seven years.
- Q Is her father living? A Yes sir.
- Q What's his name? A Jesse or Jim Thomas; I don't know which-- we call him Jim.
- Q Is he a full blood Choctaw? A Yes.

Lula Polk--2

- Q Where does he live? A He lives northeast of Philadelphia.
Q Do you know the name of his father or mother? A No sir, I don't know.
Q How old a man is Jim? A About fifty or sixty, I think.
Q Is Lula's mother living? A No sir.
Q What was her name? A I don't know.
Q Did you ever see her? A Yes, I seen her one time--they call him, Choctaw name Kil-li-hote.
Q Was she older than Jim or Younger? A Younger.
Q Do you know the name of her father or mother? A No, I don't know.
Q Did she live in this State all her life? A Yes.
Q Has Jim lived here all his life? A Yes.
Q Have you seen Winston Polk and talked to him about coming before the Commission and making application for his wife? A Yes.
Q When did you see him? A I seen him Wednesday.
Q You were instructed by the Commission to notify him to be at Philadelphia the next day, were you not? A Yes.
Q Did he say whether he was coming or not? A He said he come about Friday.
Q Do you know whether any of Lula's ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit creek or ever received any benefits under that article? A No sir, I don't know.
Q Do you know of any old person living in this vicinity who would likely be informed on that question? A No sir.
Q Do you know whether any application of any kind has ever been made for her before this one? A I don't know.

The records of the Commission show that on the 30th day of January, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of Jesse Thomas and his two minor children, Lucy and Lulu as Mississippi Choctaws, their names appearing on M.C.C. Field No. 169, also upon page 56 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, being numbers 580, 581, 582, respectively thereon.

This application is made by George Polk, a full blood Choctaw, in behalf of his sister-in-law Lula Polk, the wife of Winston Polk. This Indian Winston Polk was notified by an employe of the Commission on Saturday, March 1st, 1902, of the presence of the Commission at Philadelphia, Mississippi, and was again notified on Wednesday, the 5th inst., under the direction of the Commission by his brother George Polk to appear before the Commission the next day. No appearance having yet been made for him it is deemed best to make in the above record in the matter of the application of his wife Lula Polk for identification as a Mississippi Choctaw. Winston Polk appeared before the Commission at Philadelphia, Mississippi, on the 1st day of May, 1901, and made application for identification as a Mississippi Choctaw, his name appearing upon Mississippi Choctaw

Lula Polk--3

Case Field No. B-1994.

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Philadelphia, Mississippi, March 10th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 29th day of March, 1902,
at Seale, Mississippi.

L. B. Mosley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

To be filed with M C R ⁴²⁵³

Department of the Interior.
Commission to the Five Civilized Tribes.

--0--
Philadelphia, Neshoba County, Miss., Monday, January 30, 1899.

--0--
Applications for identification as Mississippi Choctaws.
--0--

Jesse Thomas, the applicant, states: I am 53 years old, and a full blood Choctaw. My wife is dead. I have two children, Lucy 15; and Lulu, 13 years old.

--0--

Harry C Risteen, stenographer to the Commission to the Five Civilized Tribes, being first duly sworn, upon his oath states: That the above and foregoing is a full, true and correct copy of the proceedings had in the matter of the application of Jesse Thomas, et al/ for identification as Mississippi Choctaws, at Philadelphia, Mississippi/ on January 30, 1899, as appears upon the records of the Commission.

Harry C Risteen

Subscribed and sworn to before me this 17 day of February 1903.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of Lula Polk as a Mississippi Choctaw, M.C.R. 4953.

---: D E C I S I O N :---

It appears from the record herein that an application for identification as a Mississippi Choctaw was made to this Commission on March 10, 1902, by George Polk for his sister-in-law, Lula Polk, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that said applicant is a full-blood Mississippi Choctaw Indian.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw

tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Lula Polk should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

JUL 16 1904

COPY.

Muskogee, Indian Territory, July 16, 1904.

Lula Polk,

care of Winston Polk

Tucker, Mississippi.

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying Lula Polk as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat. 641).

Under the provisions of the law above cited, in order for the person so identified to avail herself of the benefits of such identification, she must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before January 16, 1905, and must make proof of such removal and settlement on or before July 16, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

SIGNED

Irene Bixby

Chairman.

Registered.

Incl. M.C.R. 4933

M.C.R. 4903

COPY.

Muskogee, Indian Territory, July 16, 1904.

Manerfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying Lula Polk as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said applicant as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein. If at the expiration of said time no protest has been filed, her name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Tame Blaby

Registered,
Incl. M.C.R. 4903

See M.C.R. 6507 for registry receipt for this letter.

M.O.R. 4983.

Muskogee, Indian Territory. April 6, 1903.

Lula Polk,

Tucker, Mississippi.

Dear Madam:

It appears from our records that application for your identification as a Mississippi Choctaw was made to this Commission at Philadelphia, Mississippi, March 10, 1902, by George Polk. The record of the application made at that time does not disclose the name of your mother, and the amount of Choctaw blood possessed by her.

In order that the Commission may prepare a decision in your case, it is necessary that there be supplied some positive evidence as to the name of your mother and the amount of Choctaw blood possessed by her. For the purpose of obtaining this information in proper form there is enclosed herewith a blank affidavit in interrogatory form, which you are requested to take before a notary public and answer under oath the questions propounded; returning same to the Commission when properly executed in the enclosed self-addressed envelope.

This matter should receive your immediate attention as no further consideration can be given the matter of your application

L P 2

for identification as a Mississippi Choctaw until this information
is furnished.

Respectfully,

Rev.

Chairman,

Box B I 90-142.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 4953

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 23, 1903.

Lula Polk,

Tucker, Mississippi.

Dear Madam:

On April 8, 1903, the Commission forwarded you a blank affidavit in interrogatory form, in order that you might furnish the Commission with certain information. Up to the present time the Commission has not yet received the same, and you are hereby requested to give the matter your immediate attention.

Respectfully,



Commissioner in Charge.

COPY! M.C.R. 4953

Muskogee, Indian Territory, July 16, 1904.

Lula Polk,

care of Winston Polk

Tucker, Mississippi,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying Lula Polk as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat. 641).

Under the provisions of the law above cited, in order for the person so identified to avail herself of the benefits of such identification, she must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before January 16, 1905, and must make proof of such removal and settlement on or before July 16, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

Tams Birby.

Chairman.

Registered.

Incl. M.C.R. 4953

COPY:

Muskogee, Indian Territory, July 16, 1904.

Mansfield, McKurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying Lula Polk as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said applicant as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein. If at the expiration of said time no protest has been filed, her name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED

Jame Birby.

Chairman.

Registered,
Incl. M.C.R. 4953

See M.C.R. 6307 for registry receipt for this letter.

Lula Paetz' husband has made appin,
and appin was made for her before
the Court in '99.

She has shown no unwillingness to
have her name presented, and it
was presented by a relative. George Paetz,

Dec 4, 02

1900

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 25 1904

A large, dark, handwritten signature or set of initials, possibly "J. H. H.", written over the date stamp.

CHAIRMAN

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

W. H. Brown

10/15/6.

Aug



W. H. Brown,

are Winston S. S. S.

Philadelphia

W. H. Brown, Mississippi.

(Lives near Turkey)

4953

File



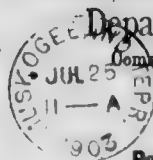
General Office

M. C. R.

Requesting immediate attention
to hand of passport previously
forwarded.

Lula Polk,

~~Backs, Mississippi.~~



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

No. 4953

For Identification as a Mississippi Choctaw.

Philadelphia, Miss. MAR 10 1902
Date

Name *Lula Palk*
by George Palk
Age *20* Blood *full*

Post Office, *Tucker, Miss.*

Father: *free or Jim Thomas L*

Mother: *Kil-li-hote* d

Claims through *both parents*

For self only.

*Miss. Choc. card N. 169 where
her name appears as Lula Thomas*

Children:

*Lula Palk is now wife
of Winston Palk, M.C. Card
101 M.C.R. 1994.*

Stenographer

J. A. Niles

Choctaw MCR 4954

Elijah Philip

See MCR 206

MCR 4954

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Elijah Philip, et al., as Mississippi Choctaws, M.C.R. 4954.

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-oOo-

all full 4954

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Philadelphia, Mississippi, March 10th, 1902.

In the matter of the application of Elijah Philip for the identification of himself, his wife Ann and two minor children, Edmond (or Farbus) and Mary, as Mississippi Choctaws, represented by irregular interpreter George Polk.

Said George Polk, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A George Polk.
Q How old are you? A Forty-three.
Q What's your postoffice address? A Tucker.
Q Washoba County, Mississippi? A Yes.
Q Are you a full blood Choctaw Indian? A Yes.
Q During last week you were employed by the Commission to go among the Indians in the vicinity of Tucker, Mississippi, and notify them of the presence of the Commission at Philadelphia, were you not?
A Yes sir.
Q Are you acquainted with a man by the name of Elijah Philip? A Yes.
Q How long have you known him? A I been knowing him about twenty-five years.
Q About how old is he? A About thirty, I reckon.
Q How much Choctaw blood has he? A Full blood.
Q What's his postoffice address? A Cushtusa.
Q How far does he live from Cushtusa? A About two miles.
Q Has he always lived in Mississippi? A Yes.
Q Is his father living? A Yes.
Q What's his father's name? A Sock Philip.
Q Is he a full blood Choctaw? A Yes.
Q Is his mother living? A No sir, dead.
Q What was her name? A I don't know.
Q Did you ever see her? A Yes.
Q Was she a full blood Choctaw? A Yes.
Q Do you know the name of any one of Elijah's grandparents? A Yes, I know his granddaddy-his name was Philip.
Q Sock's father? A Yes.
Q Did he have a Choctaw name? A I don't know.
Q Did he live in Mississippi all his life? A Yes-he went to Territory once.
Q When? A Long time ago.
Q Do you know when exactly? A No sir.
Q Do you know how long he stayed there? A About a year I reckon.
Q Was it before you were born he went out there or after? A Before I was born--he went over there again ten or twelve years ago.
Q How long did he stay ~~xxx~~ there that time? A He didn't stay long.
Q Did he stay as long as a year, do you think? A No, about half a year I think.
Q How long has he been dead? A About seven years I guess.

Elijah Philip et al--2

- Q About how old would he be if he were living now? A About seventy.
- Q Is Elijah married? A yes.
- Q Is his wife living? A yes.
- Q Is he living with her? A yes.
- Q What's her name? A Ann.
- Q Is she a full blood? A yes.
- Q About how old is she? A I think about thirty years old.
- Q How long have you known her? A I been knowing her about twenty years.
- Q Is she a full blood Choctaw? A Yes.
- Q Always lived in this State? A yes.
- Q Was she married before she married Elijah? A No sir.
- Q Was he married before he married her? A No, she married Elijah first and they parted and then they married again.
- Q Is Ann's father living? A No sir.
- Q What was his name? A Scott.
- Q Scott what? A I don't know.
- Q You don't know any other name for him? A They call him Scott Billy.
- Q Was he a full blood Choctaw? A Yes.
- Q Did he live here in this State all his life? A yes.
- Q How old would he be if he were living now? A About sixty or seventy.
- Q Do you know the name of his father or mother? A No, I don't know.
- Q Is Ann's mother living? A No.
- Q What was her name? A I forgot it now.
- Q Was she a full blood Choctaw? A Yes.
- Q Do you know the name of her father or mother? A No sir.
- Q Did she always live in Mississippi? A Yes.
- Q How many children have Elijah and Ann? A Got two.
- Q What are their names and ages? A One of them is named either Farbus or Edmond and is about four years old.
- Q Is that a boy? A yes.
- Q Is that child living with them now? A Yes.
- Q What's the name of the other child? A Mary--she's a girl about a month old.
- Q Is that all their children? A Yes.
- Q Do you know whether any application has ever been made for either Elijah or his wife before this? A No.

The records of the Commission show that on the 31st day of January, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of Elijah Philip as a Mississippi Choctaw, his name appearing upon M.C.C. Field No. 206, also upon page 61 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10th, 1899, being No. 795 thereon.

- Q When was Elijah married to ann? A About twelve years ago.
- Q Were they living together three years ago? A No sir.

Elijah Philip et al--3

Q They were separated at that time? A Yes.

Q How long since they went back together again? A About a year ago.

Q Do you know whether any of the ancestors of Elijah or Ann ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't know.

Q Have you seen this man Elijah and notified him of the presence of the Commission at Philadelphia, Mississippi? A Yes, I notified him last Wednesday and he told me at that time that he appeared before the Commission last year. I was back there again today, in company with other employees of the Commission, and found that he had misrepresented the facts to me last Wednesday and that he did not appear before the Commission during the year 1901.

This application is made in behalf of Elijah Philip and Ann Philip, his wife, and their two minor children, by George Polk a full blood Choctaw who has been employed by the Commission to notify Choctaws living in the vicinity of Tucker, Mississippi, of the presence of the Commission at Philadelphia, Mississippi. Representatives of the Commission, in company with George Polk, have this day been at the residence of Elijah Philip for the purpose of affording him an opportunity to appear before the Commission and he positively declined to make any application of any kind for himself or family. He has the appearance of being a full blood Indian and, as is shown by the testimony of George Polk, his wife is also a full blood.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Philadelphia, Mississippi, March 10th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 29th day of March, 1902, at Seale, Mississippi.

L. D. Mosley
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, April 3, 1901.

In the Matter of the Application of Soek Phillip for the identification of himself and his five minor children as Mississippi Choctaws.

Soek Phillipp being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Soek Phillip
Q What is your age? A I claim 53.
Q What is your posto fice address? A Henlock, Mississippi.
Q What county? A Neshoba.
Q You claim to be a full blood Choctaw? A Yes sir.
Q Can you speak the Choctaw language? A Yes sir.
Q Is your father living? A No.
Q What was his name? A Him mo nubbee.
Q What was his American name? A Phillip.
Q When did he die? A About 15 years ago.
Q How old was he when he died? A He claimed to be 97.
Q Is your mother living? A No.
Q What was her name? A Nancy Phillip.
Q Did she have an Indian name? A Ho nah
Q When did she die? A About 20 years ago.
Q How old was she when she died? A About 40--I don't know.
Q What are the names and ages of these children for whom you make application? A Ples Tinsley Phillip, 20 years, Bettie 18 years, Sis 15 years, Lewis 10 years and Celia Ann 7 years.
Q Are these children all living with you? A Yes.
Q What is the name of the mother of these children? A Emily.
Q She is dead, is she? A Yes sir.
Q When did she die? A Going on 3 years.
Q Was Emily a full blood? A Yes sir.
Q When and where were you married to Emily? A In Neshoba Co., Miss.
Q When? A It is about 31 years.
Q Did you get a marriage license? A No, never have Injuns married with license until about 10 or 12 years ago; use to Injun don't marry license.
Q Just had a wedding and had their own ceremony? A Yes.
Q Didn't have a minister? A No.
Q Is anyone here that was present when you was married? A No.
Q These five children are all the children of yourself and Emily Phillip? A Yes.
Q Have you always lived in Mississippi all your life? A Yes.
Q These children are all living with you are they--all of them?
A Yes.
Q Did you ever try to establish your citizenship in the Choctaw nation in Indian Territory? A Yes, I reckon so.
Q You did try? When? A The same thing I am going to try now.
Q This is the first time you have tried? A Yes.
Q You have never tried before the Choctaw tribal authorities over there? A No.
Q Why didn't you go over there before this? A Follows are not able to go.
Q Not able to get money? A No.
Q You have always been able to go there whenever you could get able?
A Yes, that's right.
Q You have never have been admitted to citizenship by the Choctaw nation, or by this Commission, or by the United States court?
A No sir.
Q The same is true as to your children is it? A Yes sir.
Q Are your names on any of the tribal rolls out there in Indian

2-Sock Phillip.

Territory, do you know? A Yes.

Q You think they are? A Yes.

Q What makes you think so?

A I think we will go this time.

Q You mean you think you will get in this time? A Yes.

Q You don't know then, that they are now? A No.

Q You did not apply to this Commission five years ago for citizenship in the Choctaw nation did you? A No.

Q Have you ever been before the Commission before this time? A Yes one time.

Q Where? A Philadelphia.

Q When? A Two years ago.

This applicant is the identical Sock Phillip who appeared before the Commission at Philadelphia, Miss. on January 31, 1899, and there made application for identification of himself and his six minor children Ples Tinsley, Sis, Lewis, Sarah Ann and his daughter Bettie Jack, 22 years of age.

These names also appear on page 60 of the schedule annexed to the Commission's report of March 10th 1899 as to the identification of Mississippi Choctaws, roll numbers as follows: 679, 680, 681, 682, 683 and 684, respectively.

Q Did you have a daughter by the name of Sarah Ann Phillips?

A Yes--it is Celia Ann and not Sarah Ann.

Q It appears that when you was before the Commission in 1899 they got the name of one of your children who was 5 years old Sarah Ann; you think that was an error, that this child's name is Celia Ann? A Yes sir.

Q Did you ever receive any benefits whatever as a Choctaw citizen?

A No sir.

Q You never received any land from the government? Nor any money from the government? A No sir.

Q Did any of your ancestors ever receive any? A No.

Q Did any of your wife's parents or grandparents ever receive any benefits? A No.

Q Do you know the names of her father and mother? A Her father's name was Jackson.

Q Did he have any Indian name? A Yes.

Q What is the Indian name of your wife's father? A I don't know the Indian.

Q Do you know your wife's mother's name? A Yes.

Q What is her name? A Polly.

Q Did she have an Indian name? A I don't know she did.

Q Your father was here when the Choctaws moved west? A I expect so.

Q Did you ever hear him say he was? A Yes, he talked about it.

Q Did he go out with them? A Yes.

Q He went out west when they moved? A Yes.

Q Do you know how long he staid there? A He said there, I don't know how long; he said he come back about 2 or 3 months. Just go over afoot from here to the Indian nation.

Q Walked clear over to the Territory? A Yes, and come back next spring.

Q Did he get any money out there? A I don't know; they said he did.

Q When he came back here did he go to the Indian agent and tell him that he wanted to take advantage of the 14th article and stay here? A I don't know.

Q Do you know whether he was ever given any land by the Government here? A No, he didn't get any land; he hadn't got it when he died.

Q You appear here for the purpose of making application for the identification of yourself and minor children as Mississippi Choctaws entitled to land in the Choctaw land under this treaty, do you? A I don't understand it.

Q Did you ever hear of the treaty of Dancing Rabbit Creek? A Yes, they talked a little about it; I don't know what it is; my daddy talked about it a little.

Q He went out there with them and come back to the agent? A Yes.

3-Sock Phillip.

- Q He went out there with them and came back in the spring? A Yes.
- Q Do you know whether your mother ever received any land here in Mississippi? A No.
- Q Did she go west with the Indians? A No.
- Q Do you know whether she was recognized here at that time when the Indians moved, as a member of the tribe? A No.
- Q She was a full blood though, was she? A Yes sir.
- Q Did you ever hear whether your wife's parents ever went out west with the Indians when they first went out there? A No.
- Q Did you ever hear whether either of them received any land here in Mississippi? A No.
- Q Did your father ever tell you he claimed any land here? A No. there had been Injun country here but they moved away west and he knew he lose his place here in Mississippi.
- Q He lost it? A Yes.
- Q And never did get any more lands? A No; don't know whether he got money or not; they went out there and come back in the spring.
- Q Do you know what made him come back? A No, he said he didn't like to stay there; he was sick there and people died; Injuns died off there and he come back; he didn't talk much about it.
- Q Is there any additional statement you want to make in regard to your case? A No, I reckon not.
- Q If you want to say anything more in regard to your claim we will be glad to hear you; are they any papers you would like to file in support of your claim? A No.
- Q In case the Commission should be able to identify you as a Mississippi Choctaw entitled to rights in the Choctaw Nation under this treaty, would you be willing to move out there and take up your permanent home upon that land? A Yes sir.
- Q You are willing to do that are you? A Yes.
- Q Did you ever hear what your father's father's name was? A No.
- Q Did your grandfather go out west with the Indians? A No, he died before they moved out there I think.
- Q Your father's mother, how about her? A My daddy, he don't know himself hardly; he said small pox killed all his brothers and mother and daddy and all when he was a little fellow.
- Q Was he a grown man when the Indians moved out west? A I expect so-- be 97; ought to be grown.
- Q Do you know the name of your mother's parents? No han's parents?
- A I don't know.
- Q Did she have any brothers and sisters? A I don't think she had.
- Q You don't know whether any of your mother's people got any land in Mississippi? A No, never heard of it.
- Q You don't know whether any of them went west with the Indians in 1830 when they went out there? A I expect so; never heard her talk of it.
- Q Did your mother ever get any money from the government? A No.
- Q Ever get any land from the government? A No.
- Q She never lived anywhere except in Mississippi?
- A No, nowhere but Neshoba county Miss; born there and died there; that's what she said; that's what she told me; my daddy was born in Neshoba county and his daddy and mammy and brother all had small pox and died.
- Q They died before the Indians moved away from here--his mother and father and brother? A I suppose so; my daddy was grown when he went away; he said he had been gone in the fall and come back in the spring.

You will be furnished at a later date with a copy of the decision of the Commission with reference to your application and the application you make on behalf of your minor children, mailed to your present post-office address.

4-Book Phillip.

This applicant has every appearance of being a full blood Choctaw Indian; he speaks the Choctaw language and speaks broken English.

Frances R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 3rd day of April, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Frances R. Brown

Subscribed and sworn to before me this 5th day of April, 1901, at Meridian, Mississippi.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHOCTAW LAND OFFICE,

Atoka, Indian Territory, September 30, 1903.

M C R 4954:

-:-

In the matter of the application of Elijah Philip for the identification of himself, his wife Ann Philip, and their two minor children, Edmund (or Farbus) and Mary Philip as Mississippi Choctaws:

Jacob Homer, Interpreter:

Elijah Philip being first duly sworn testifies:

EXAMINATION BY THE COMMISSION:

- Q What is your name ? A Elijah Philip.
Q How old are you ? A I am about 28.
Q What is your present post office address ? A Atoka, Indian Territory, I am now living with the Choctaws at the Choctaw camp southwest of Atoka.
Q What is the name of your father ? A Sock Philip.
Q Is he living ? A Yes, sir.
Q Has he been identified as a Mississippi Choctaw entitled to an allotment of lands in the Choctaw Chickasaw country by the Commission to the Five Civilized Tribes ? A Yes, sir.
Q What was the name of your mother ? A Emily Philip.
Q Is she living or dead ? A She is dead.
Q Have you any brothers or sisters ? A Yes, sir.
Q Give their names will you, beginning with the oldest ? A Wesley, Meeks, Ples Tinsley, Bettie, Sis, Lewis and Celia Ann Philip

Reference is made to Mississippi Choctaw Identified Cards Nos. 65, 76 and 127, thereon appear the names of the father of this applicant, Sock Phillip and the brothers and sisters as named by the applicant.

- Q When did you remove to the Choctaw Nation, Indian Territory ?
A On the night of the 13th of August, 1903.
Q Had you, prior to your removal to the Choctaw Nation, Indian Territory, been a resident of the state of Mississippi all your life ? A Yes, sir.
Q Do you claim to be a full blood Choctaw ? A Yes, sir.
Q Is your father, Sock Philip ? A Yes, sir, he is a full blood.
Q Your mother Emily Philip was a full blood Choctaw ? A Yes, sir.

- Q Do you know the name of your father's father ? A His name was Philip.
- Q Was he a full blood Choctaw Indian ? A Yes, sir.
- Q Do you know the names of any of your ancestors further back than your grand father ? A No, sir.
- Q What was the name of your mother's father ? A I do not know that.
- Q Do you know the name of your mother's mother ? A No, sir.
- Q Has it always been the history of your family that your mother's father and mother were full blood Choctaws ? A Yes, sir.
- Q Do you know the name of your father's mother ? A No, sir.
- Q Has it always been your understanding that your ancestors on your father's side were full blood Choctaws ? A Yes, sir.
- Q Are you married ? A Yes, sir.
- Q What is the name of your wife ? A Ann Philip.
- Q Is she a full blood Choctaw ? A Yes, sir.
- Q What is the name of her father ? A Scott Billy.
- Q Is he living ? A No, sir.
- Q What is the name of her mother ? A Sallie Billy.
- Q Is she living ? A No, sir.
- Q Were they both full blood Choctaws ? A Yes, sir.
- Q Do you know the names of any of your wife's ancestors further back than her father and mother ? A No, sir, I don't.
- Q Have you any children ? A Yes, sir.
- Q How many ? A Two.
- Q What are their names ? A Edmund, sometimes called Farbus, Edmund Philip.
- Q How old is he ? A He is four years old.
- Q What is the name of your next child ? A Mary Philip.
- Q How old is Mary ? A She is about one year and six months old.
- Q Have you any other children ? A No, sir, that is all.
- Q Are you the father of these two children ? A Yes, sir.
- Q Is Ann Philip, your wife, the mother of these two children ? A Yes, sir.
- Q Did you ever make personal application to the Commission to the Five Civilized Tribes during its sessions in Mississippi for the identification of yourself, your wife and your two minor children as Mississippi Choctaws ? A No, sir, I never went before the Commission.
- Q Did your father make application for your identification as a Mississippi Choctaw when the Commission was in session at Philadelphia, Mississippi, in 1899 ? A Yes, sir, I was with him.
- Q Your father made application for your identification then ? A Yes, sir, I was with him at that time.
- Q You were not married at that time ? A No, sir, I was married, but I was living with him.
- Q How long have you been married to Ann Philip ? A About six years.
- Q Have you ever made application to the Choctaw tribal authorities in the Choctaw Nation for the admission of yourself, your wife and children, as members of that tribe ? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory ? A No, sir.
- Q The only time that you have ever made any effort to establish your right in the Choctaw country was when you went before the Commission at Philadelphia, Mississippi, in 1899 ? A Yes, sir.

- Q Then you have never made any application to the Choctaw tribal authorities at any time for the admission of yourself, your wife, or your minor children to citizenship in that tribe?
A No, sir.
- Q Are the names yourself, your wife, or either of your minor children to be found upon any of the tribal rolls of the Choctaw Nation Indian Territory? A No, sir.
- Q Did yourself or wife ever receive any benefit as a Choctaw citizen? A No, sir.
- Q Have you or your wife ever receive any land from the United States or did any of your ancestors ever receive any land or money from the United States Government by reason of their being Choctaws? A No, sir.
- Q Do you know whether they ever received any land from the United States Government under the provisions of article fourteen of the treaty of eighteen hundred and thirty? A No, sir. I do not know -- I know that I have never receive any land, but I do not know about my ancestors.
- Q Do you know any thing about the treaty of eighteen hundred and thirty and article fourteen thereof? A No, sir.

This treaty which I refer to was entered into between the United States Government and the Choctaw tribe of Indians on September twenty-seven, eighteen hundred and thirty, and was ratified by the Congress of the United States on February twenty four, eighteen hundred and thirty one. The object of this treaty on the part of the Government was to secure the removal of all the Choctaws from the territory they then occupied in the states of Mississippi and Alabama to the new country west of the Mississippi River, which is now the Choctaw Nation, Indian Territory. At the time this treaty was made there was a great many of the Choctaw who did not want to leave their old homes and go to the new country, and to protect those persons who desired to remain in the old Choctaw Nation in the states of Mississippi and Alabama, and for their benefit this article fourteen was made a part of that treaty:

That article XIV is as follows:

" Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and ~~thereupon~~ he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee

simple shall issue; said reservation shall include the present improvements of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw Annuity."

That is article fourteen of the treaty and it provided that those people who elected to remain there should each receive six hundred and forty acres of land, excepting children. For each child living with the head of a family over ten years of age they were to receive one half section, or three hundred and twenty acres of land and for such child as might be under ten years of age one-quarter section, or one hundred and sixty acres of land; the locations of the children to adjoin that of the parents. If they lived there on this land for five years, then in that case a grant in fee simply would be issued to them and they could then dispose of the land at their pleasure.

The last clause of that article fourteen reads as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that if they ever removed to the Choctaw Nation, Indian Territory, they were entitled to citizenship, but they were not entitled to any portion of the Choctaw annuity.

- Q Do you know whether any of your ancestors, or the ancestors of your wife ever received any land from the United States Government under the provisions of that article fourteen of the treaty of eighteen hundred and thirty? A I do not know.
- Q So far as you know, yourself or none of your ancestors have ever received any benefits under this article fourteen?
- A No, sir.
- Q Do you know whether or not any of your ancestors ever applied for any land under the provisions of this article of the treaty?
- A No, sir, I don't know.
- Q Are your father, Sock Philip, and your brothers and sisters whom you name now residents of the Choctaw Nation, Indian Territory? A Yes, sir.
- Q When did they come to the Choctaw Nation, Indian Territory?
- A On the same train I did -- on the night of the 13th day of August, 1903.
- Q Is it your intention to make your permanent home in the Choctaw Nation, Indian Territory? A Yes, sir.
- Q Is it the intention of your wife and your two minor child also to make their home in the Choctaw Nation with you? A Yes, sir.

It appears from the records of the Commission that Sock Phillip made personal appearance at the Choctaw Land Of-

Elijah Philip, et al., 5

fice, at Atoka, Indian Territory, on August 18, 1903, and made proof of settlement within the Choctaw Nation of himself and his minor child, Ples Tinsley, Bettie, Lewis and Celia Ann Philip, at which time he testified that his post office address was Atoka, Indian Territory.

This applicant has the appearance and characteristics of a full blood Indian. Has slight knowledge of the english language and gives testimony in Choctaw through an interpreter:

Witness excused:

F. Vivion Kinkade being first duly sworn on oath states that above and foregoing is a true, full and correct translation of his stenographic notes as taken in said cause on said date.

F. Vivion Kinkade

Subscribed and sworn to before me this September 30, 1903.

Adri Shelby
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the identification of
Elijah Philip, et al., as Mississippi Choctaws, M.C.R. 4954.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
on March 10, 1902, by George Polk for Elijah Philip, his wife, Ann
Philip, and his two minor children, Edmond (or Farbus) and Mary
Philip, under the following provision of the act of Congress ap-
proved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

From the evidence submitted in support of said application
it appears that all the applicants are full-blood Mississippi Choc-
taw Indians.

Section forty-one of the act of Congress entitled "An Act
to ratify and confirm an agreement with the Choctaw and Chickasaw
tribes of Indians, and for other purposes," approved July 1, 1902,

(2)

(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Elijah Philip, Ann Philip, Edmond (or Farbus) Philip and Mary Philip should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Commissioner.

Muskogee, Indian Territory,

MAY 15 1903

M.C.R. 4954

COPY.

Muskogee, Indian Territory, May 5, 1904.

Elijah Philip,

Atoka, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 5, 1904, identifying you, your wife Ann Philip, and minor children Edmond (or Farbus) Philip and Mary Philip, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 611).

Under the provisions of the law above cited, in order to avail yourselves of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

Jame Bixby.

Chairman.

Registered.

Enc. MCR 4954.

H. C. R. 4954

COPY.

Muskogee, Indian Territory, May 5, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 5, 1904, identifying Elijah Philip, his wife Ann Philip, and minor children Edmond (or Farbus) Philip and Mary Philip, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Elijah Philip, wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file protest within the time allowed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Registered.
Enc. HCR 4954.

Jams Bixby.

Chairman.

RECEIVED
FEB 19 1918
ENCLOSURE NO. 17013
SUPERVISOR OF THE

MISSISSIPPI CHOCTAW PER CAPITA PAYMENTS--Supplemental Proof.

State of Oklahoma) In re heirs of Elijah Philip, de-
County of Choctaw) ss. ceased Mississippi Choctaw
Roll No. 1248

Comes now Wesley Philip, who, being first duly sworn according to law, deposes and says that he is a duly enrolled Mississippi Choctaw Indian of the age of about 46 years, and that his postoffice address is Boswell, Oklahoma.

That he was well acquainted with Elijah Philip, who was his brother, and who was also the husband of one Ann Philip. That the said Elijah Philip had two children, both girls, one of which died when ~~three~~ about 3 days old, and the other when about one year old.

That at the time the said Elijah Philip married the said Ann Philip, neither of them had any children; that the said Elijah Philip and his wife, the said Ann Philip, lived together about ~~three~~ one year, and in that time had one child, which died within about three days from birth; then the said Ann Philip left the said Elijah Philip and was gone about three years, when she returned, bringing a boy, named Edmond Farbus Philip, then about a year or so old. To the best of my knowledge the said Edmond Farbus Philip is now at school somewhere near Muskogee, Okla.

After the said Ann Philip returned to the said Elijah Philip they lived together about two years, having in that time another child, a girl, that lived about one year and died.

Affiant further states that to the best of his knowledge and belief, the father of the said Edmond Farbus Philip was one Hintubbee, sometimes called Bob, with whom the said Ann Philip lived about three years.

Wesley Philip

Subscribed and sworn to before me this 18th day of Feb., 1918.

Lotta B. Collins
My Commission Expires March 17 1918 Notary Public.

See letter 10350-18
06H

150
1248.
MISSISSIPPI CHOCTAW PER CAPITA PAYMENTS— Supplemental Proof.

State of Oklahoma,) In re heirs of Elijah Philip, de-
) ss: ceased Mississippi Choctaw,
Muskogee County,) Roll No. 1248.

John Almon Billey, being duly sworn according to law, deposes and says that he is a duly enrolled Mississippi Choctaw Indian of the age of about thirty-three years and that his post-office address is Atoka, Oklahoma.

That he was well acquainted with Elijah Philip, a son of Sook Philip and the husband of Ann (or Ain) Philip, and that said Ann (or Ain) Philip was affiant's cousin.

That affiant knew said Elijah Philip from the time he (affiant) was a small boy, and to the best of affiant's knowledge and belief the said Elijah Philip died without issue.

That at the time said Ann (or Ain) Philip became the wife of said Elijah Philip she was the mother of one child, whose name affiant has forgotten, and he does not know whether or not the child is now living, except from information; that affiant has been informed that said child was enrolled as Edmond (or Farbus) Philip, and is now in school at Bacone, Oklahoma. Affiant is also informed that the enrollment record discloses that said Ann (or Ain) Philip had one other child, Mary, who died when a small child.

Affiant now states that it is his information that the father of said child of Ann (or Ain) Philip was Hinubbee, sometimes called Bob, with whom she had lived. Said child was born in Mississippi about a half mile from where affiant lived.

John Almon Billey

Subscribed and sworn to before me this the 17th day of January, 1918.

My commission expires

July 6, 1919
Reed S. Ramsey
Notary Public

Interpreted by J. H. Hester

MISSISSIPPI CHOCTAW PER CAPITA PAYMENT --- Supplemental Proof.

State of Oklahoma,
Muskogee County,

} In re heirs of Elijah Philip,
ss. deceased Miss. Choctaw, Roll No.
1348.

Jesse Billey, being duly sworn according to law,
deposes and says:

That he is an enrolled citizen of the Choctaw
nation, enrolled as a Mississippi Choctaw; that he is about
55 years of age and his Post Office address is Bentley, Okla-
homa.

That he was well acquainted with Elijah Philip, the
son of Sock Philip and the husband of Ann Philip, and that said
Elijah Philip died without issue.

That said Ann Philip was the daughter of Scott Billey,
who was affiant's brother.

That the enrollment record, including the testimony
of Elijah Philip to the effect that he was the father of
Edmond (or Farbus) Philip and Mary Philip, has been explained to
him as he is informed and affiant now states that said Elijah
Philip was not the natural father of said Edmond (or Farbus)
Philip or said Mary Philip, and now states the facts to be as
follows:

Said Ann Philip lived near affiant in Mississippi
at the time said Edmond (or Farbus) Philip and said Mary Philip,
her children, were born and in fact, at that time, she lived
only about two hundred yards from affiant's home; that the
father of said Edmond (or Farbus) Philip, was "Bob", whose
Indian name affiant has forgotten, with whom said Ann lived
as his wife and was known in the community as the wife of

said "Bob", although they were not married by an especial ceremony; that affiant believes that said "Bob" was also the father of Ann's child Mary.

That said "Bob" died in Mississippi and Ann then became the wife of Elijah Philip.

Affiant is unable to state why Elijah Philip testified that he was the father of said Edmond (or Farbus) Philip and Mary Philip, but believes that it was probable that he followed the custom among his people, which arose under such circumstances and in fact, the children under those circumstances came to know their step-father as their father.

Affiant states he is thoroughly familiar with the facts in this case and has stated the same from his own knowledge.

Jesse Billy

mark.

Witnesses to mark:

Oliver C. Hinkle, Muskogee, Okla
Jack W. Horn " "
Interprets

Subscribed and sworn to before me this the 5th day of January, 1918.

Gladys Snyder
Notary Public.

My commission expires

Sept. 15-1919

Muskogee, Indian Territory, September 24, 1903.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Sir:

There is enclosed herewith a copy of the record in the matter of the application of Elijah Philip, et al., M.C.R. 4954, for identification as Mississippi Choctaws.

In this case the applicants were listed as Mississippi Choctaws from information furnished by the official interpreter employed by the Commission in 1901. The applicants themselves have not personally appeared before the Commission or any of its representatives and the Commission will not render decisions in this class of cases until a personal appearance is made by the principal applicant and a notation made by the examiner as to his personal appearance and characteristics.

This case was, on September 2, 1903, forwarded to H. Van V. Smith, Special Agent of the government at Meridian, Mississippi, with instructions to secure if possible the personal appearance of these applicants. On September 17, 1903, this case was by him returned with the information that this applicant had removed to the Indian Territory and is now in camp at Atoka.

COMMISSIONERS
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

COPY.
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 4954

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Atoka, Indian Territory, October 2, 1903.

Commission to the
Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of 24th ultimo enclosing copy of record in Mississippi Choctaw case of Elijah Philip, et al., M. C. R. 4954.

You state that you have been advised that the applicants in this case are now located at the Choctaw camp southwest of Atoka, and instruct that the personal testimony of the principal applicant in support of said application be secured.

In reply thereto you are advised that Elijah Philip made personal appearance at this office on September 30, 1903, and his testimony in support of the claim of himself and family as Mississippi Choctaws was taken.

Four copies of said testimony together with copy of record in this case are herewith enclosed.

Respectfully,

(SIGNED) William H. Angell.

Clerk in Charge.

FWK/ENC.

COPY.

Muskogee, Indian Territory, May 5, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 5, 1904, identifying Elijah Philip, his wife Ann Philip, and minor children Edmond (or Farbus) Philip and Mary Philip, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Elijah Philip, wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file protest within the time allowed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,
(SIGNED)

James Dixby.

Registered.
Enc. MCR 4954.

Chairman.

(See MCR 5207 for registry
receipt for this letter).

COMMISSIONERS
TAMM BERRY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

WM O BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4954

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 5, 1904.

Elijah Philip, At Choctaw Camp S. W. of town.
Atoka, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 5, 1904, identifying you, your wife Ann Philip, and minor children Edmond (or Farbus) Philip and Mary Philip, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

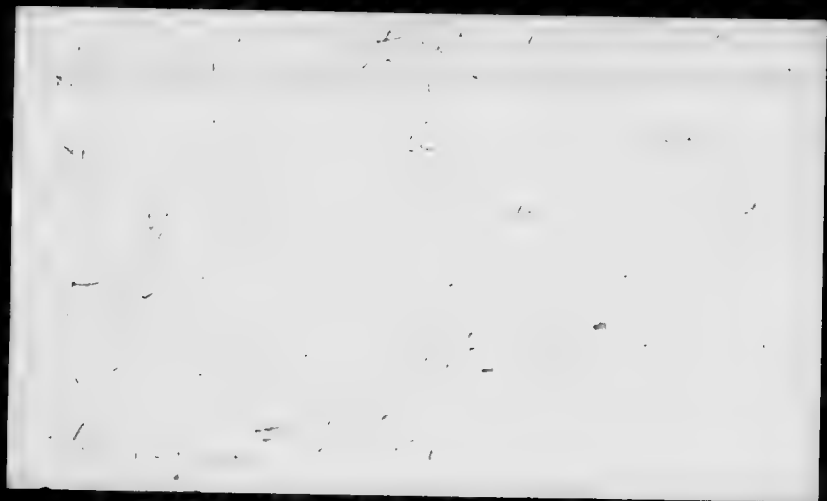
Under the provisions of the law above cited, in order to avail yourselves of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Chairman.

Registered.

Enc. MCR 4954.



1890

No. 4954

For Identification as a Mississippi Choctaw.

~~Philadelphia~~ Miss.

Date MAR 10 1902

Name *Elijah Philip*
By *George Pale*
Age *30* Blood *full*

Post Office, *Cuchtusa, Miss.*

Father: *Sock Philip* L

Mother: *dont know* d

Claims through both parents.
wife *Ann Philip* (full) 30 d
Father *Scott Billy* d
Mother *dont know* d

For self wife and 2 children

Children:

Edmond (or Farbus) Philip (m) 4
Mary " (F) 1m

See Miss Choct. card file No 206

Father *Father Philip J.B. d*

Stenographer

J. S. Niles

Choctaw MCR 4955

Sarah Adams

See MCR 934

MCR 4955

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, MARCH 19, 1902.

---0---

In the matter of the application of Sarah Adams for the identification of herself and her eight minor children, Lena, Ella, Nora, Ura, Burta, Grover, Jessie and Bland Adams, as Mississippi Choctaws.

---0---

Applicant represented by W. H. Ritchey, Attorney.

---0---

Sarah Adams being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sarah Adams.
Q What is your age? A Forty three.
Q What is your post office address? A Ivanhoe, Texas.
Q How long have you lived at Ivanhoe? A About twenty five years or thirty.
Q Where were you born? A I was born in Louisiana.
Q Did you remove from Louisiana to Texas? A Yes sir.
Q How long did you live in Louisiana? A I was about a year or when I left there.
Q And you have lived in those two states, Louisiana and Texas all your life? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A William McDade.
Q What is your mother's name? A Caroline McDade.
Q Do you claim through your father or mother? A Mother.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Your husband is living? A Yes sir.
Q What is his name? A Absalom Adams.
Q Is he a Choctaw Indian or a white man? A White man.
Q You make no claim for him? A No sir.
Q Will you give me the name of the oldest child under twenty-one years of age and unmarried that you want to make application for? A Lena Adams.
Q How old is Lena? A Nineteen.
Q The next? A Ella Adams.
Q How old is Ella? A She's sixteen.
Q The next? A Nora Adams.
Q How old is Nora? A She's fifteen.
Q The next? A Ura.
Q Is that a boy or girl? A It's a girl.
Q How old is Ura? A Thirteen.
Q The next? Burta.
Q A girl? A Yes sir.

- Q How old is Burt? A She's eleven.
Q The next? A Grover.
Q Boy? A Yes sir.
Q How old is Grover? A He's nine.
Q The next? A Jessie.
Q Boy? A No sir its a girl.
Q How old is Jessie? A She's seven.
Q The next? A Bland.
Q Boy? A Yes sir.
Q How old is Bland? A He's five.
Q Is that all? A Yes sir.
Q You claim for yourself and children do you? A Yes sir.
Q Is Absolom Adams the father of these children? A Yes sir.
Q And they are all living with you at your home are they?
A Yes sir.
Q Were either you or your husband married before you married each other? A No sir.
Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896 - five years ago? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in the Indian Territory? A No sir.
Q Do you now come before the Commission to be identified as a Mississippi Choctaw and for the identification of these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article? A Yes sir.
Q Do you care to have it explained any further? A No sir.
Q It reads as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with the provisions of that article of that treaty? A I dont know sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
- A My mother.
- Q Your grandmother? A Great grandmother.
- Q What is her name? A Phyllis Peachlen Miller.
- Q Her husband was a white man was he? A Yes sir.
- Q What was his full name? A I dont know.
- Q Did she live in Mississippi in 1830? A I cant tell you; I dont know.
- Q Did she live in Mississippi? A I suppose she did.
- Q It's a matter of family history is it? A Yes sir.
- Q How much Choctaw blood did she have? A One half.
- Q Do you know whether she claimed through her father or mother? A No sir.
- Q How old would she be if living now? A Why, I dont know sir.
- Q You claim through your mother do you not? A Yes sir.
- Q Where was your mother born? A I dont know.
- Q Where did she die? A She's not dead.
- Q How old is she if you know? A Sixty seven I believe.
- Q You dont know where she was born? A No sir.
- Q Do you know is what state she was born? A No sir I dont recollect.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I dont know sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian agent their intention to remain there, take land and become citizens of the United States, did you ever hear? A No sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I dont know sir.
- Q Did any of them own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830?
- A Not that I know of.
- Q Did they claim any land in Mississippi or Alabama under any other article of that treaty that article fourteen or under the supplement of the treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors claim any benefits under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A No sir.
- Q The provision of article fourteen of the treaty of 1830 is it that those Indians who remained there in the old Choctaw Nation after the treaty was ratified, if they wanted to take advantage of article fourteen were obliged to go to the United States Indian Agent whose name was Colonel Ward and who had an agency in Mississippi in 1830 and 1831 and signified their intention to remain in Mississippi, take land and become citizens of the United States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register, and his neglect to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements for the United States government took both the land and the improvements thereon from those Indians and sold them at its public land sales. This caused a great many complaints among the Choctaw Indians, so that in 1837 by an

Sarah Adams--4.

act approved March 3 of that year Congress appointed a Commission which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 by an act approved August 23 of that year Congress appointed another Commission for the same purpose and this Commission also went to Mississippi and heard those claimants under article fourteen; did any of your Choctaw ancestors go before either of those two Commissions and claim benefits under that article of that treaty? A No sir.

Q You never heard? A No sir.

Q Did any of your Choctaw ancestors ever receive any scrip from the government of the United States which entitled them to select land to replace the land which the government had taken from the in Mississippi and sold? A Not that I know of.

Q These certificates or scrip as they were called were issued under an act of Congress approved August 23, 1842, and persons who received it were entitled to select land in Mississippi Louisiana, Alabama or Arkansas to be taken from vacant government land to replace the land they had taken from them and sold; you didn't ever hear that any of your ancestors received any scrip? A No sir.

Q Who is William J. Miller? A He's my cousin.

Q Has he made application to be identified as a Mississippi Choctaw? A Yes sir.

M.C.R. 934 is here referred to.

Q Do you want to have the record made in his case considered with yours and also those of other applicants who claim from the same common ancestor, Phyllis Peachlen? A Yes sir.

Q Have you any evidence further that you want to introduce now? A No sir.

Q Would you like a little time? A Yes sir.

Reasonable time will be allowed this applicant in which to introduce further proof in support of this case if she desires to do so.

Q Do you speak or understand the Choctaw language? A No sir.

Q Is there anything further you desire to say in support of this claim? A No sir.

Q You claim through your mother Caroline McDade and she claims through who - father or mother? A Mother.

Q What was her mother's name? A Nancy Miller.

Q Was Nancy Miller the daughter of Phyllis Peachlen Miller? A Yes sir.

Q Did Nancy Miller ever live in Mississippi? A I don't know sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has blue eyes; medium fair complexion; has no knowledge of the Choctaw language and no knowledge of compliance on part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Sarah Mitchell Wood

Clara Mitchell Wood, do hereby swear on her oath
before that in compliance with the Commission to the Five
Civilized Tribes she reported in full all proceedings had in
the above entitled case on the 19th day of March 1902 and
that the above and foregoing is a full, true and correct
transcript of her stenographic notes of said proceedings
on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this twenty ninth day of
March 1902.

M. J. McNeill
Notary Public.

COPY.

COMMISSIONERS

HENRY L. DAWES,
TANS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 4955.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 22, 1903.

Sarah Adams,

Ivanhoe, Texas.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R 934
Pearl Barnett, et al.,	M C R 3819
Cordelia Wheless, et al.,	M C R 3382
Emma Wheless,	M C R 3383
Austin Miller, et al.,	M C R 3381
Hattie Bettes, et al.,	M C R 4752
Carrie E. Alderson,	M C R 4938
Julia D. Alderson, et al.,	M C R 4937
Iva Moore, et al.,	M C R 4939
Lula Sims, et al.,	M C R 4943
Alice Teague, et al.,	M C R 4956
Lillian Arledge, et al.,	M C R 4957
Zella Arledge, et al.,	M C R 4961
Sarah Adams, et al.,	M C R 4955
Marvin H. Adams,	M C R 4962
Lena Broom, et al.,	M C R 4940
Nancy I. Locke, et al.,	M C R 4930
Nancy Daniel Locke Goodman,	M C R 4942
Richard H. Locke,	M C R 4932
John M. Locke, et al.,	M C R 4934
Mary Elizabeth Locke,	M C R 4933
Thomas Clay Locke, et al.,	M C R 4931
Edward J. McDade, et al.,	M C R 5373
Joseph L. McDade, et al.,	M C R 4958
Martha L. Platt, et al.,	M C R 4936
Mattie White, et al.,	M C R 4941
Orrin F. Platt,	M C R 4935
Alexander J. McDade, et al.,	M C R 4949
Exer Mand Gass, et al.,	M C R 4950
Leona T. McDade,	M C R 4945
Jerry S. Hilman, et al.,	M C R 5376
John F. Alford, et al.,	M C R 5374
Dorset E. Alford,	M C R 4944
John W. Hudson, et al.,	M C R 5375
Neal F. McDade, et al.,	M C R 5377
Patrick J. Barnett, et al.,	M C R 4947
Nona Belle Barnett,	M C R 4948

Charles Wesley Edwards,
Virginia E. Nix, et al.,
Charlie A. Hilman,
Julia Compton, et al.,

M C R 4946
M C R 6304
M C R 6311
M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Oliver Miller, Donna May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sanford Allen Wheless, Oliver Lafayette Wheless, Ida Bell Wheless, Forest Wheless, Mattie Lee Wheless, Louie Violer Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Oliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Teague, Eva Teague, Eula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Burta Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lennuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patrieh J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Nona Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,
(SIGNED)

Tams Bixby.

Acting Chairman.

Registered

MCR-4985

COPY

Muskogee, Indian Territory, April 18, 1907.

Sarah Adams,
Ivanhoe, Texas.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

For Identification as a Mississippi Choctaw.

Date MAR 10 1902

Name Sarah Adams,

Age 43 Blood 1/16

Post Office, Ivanhoe, Texas.

Father: William McKeas, d

Mother: Caroline " l. &

Claims through Mother
~~Husband~~
Abelom Adams, l. w.
No claim for husband.

Children:

Lena Adams.		19
Ella	"	16
Nora	"	15
Ura	"	13
Berta	"	11
Grover	" (M)	9
Jessie	"	7
Bland	" (M)	5

Claims for self
and children

Stenographer Clara Melvina Wood.

Choctaw MCR 4956

Alice Teague

See MCR 934

MCR 4956

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 MUSKOGEE, INDIAN TERRITORY, MARCH 19, 1902.

---O---

In the matter of the application of Alice Teague for the identification of herself and her two minor children, Eva and Fula Teague as Mississippi Choctaws.

---O---

Applicant represented by W. H. Ritchey, Attorney.

---O---

Alice Teague being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Alice Teague.
 Q How do you spell your last name? A T-e-a-g-u-e.
 Q What is your age? A Fifty one.
 Q What is your post office address? A Duplex Texas.
 Q How long have you lived there? A Twenty years.
 Q Where were you born? A Louisiana.
 Q And lived there how long? A About twenty years I have lived at Duplex.
 Q You lived in Louisiana how long? A I was about eleven when I left.
 Q In what place in Louisiana did you live? A Boshier Parish.
 Q Is your father living? A No sir.
 Q Is your mother living? A Yes sir.
 Q What was your father's name? A William McDade.
 Q What is your mother's name? A Caroline McDade.
 Q Do you claim through your father or mother? A Mother.
 Q How much Choctaw blood do you claim? A One sixteenth.
 Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
 Q Is your husband living? A Yes sir.
 Q What is his name? A J. N. Teague.
 Q Has he Choctaw blood or is he a white man? A Whiteman.
 Q You dont make any claim for him do you? A No sir.
 Q Give me the name of the oldest child for whom you wish to make application. A Eva Teague.
 Q How old is she? A Seventeen.
 Q The next? A Fula.
 Q E-u-l-a? A Yes sir.
 Q How old? A Thirteen? A
 Q That is all is it? A Yes sir.
 Q J. N. Teague is the father of these children? A Yes sir.
 Q And they are living with you at your home are they?
 A Yes sir.
 Q Were either you or your husband married previous to your

- marriage to each other? A Yes sir.
- Q But there are no children by any former marriage to be applied for? A No sir.
- Q Which was married - you or your husband? A My husband.
- Q Is your name or the name of these children on any of the tribal rolls in the Indian Territory? A No sir.
- Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified and for the identification of these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Yes sir.
- Q It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with the provisions of this article? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw.
- A Phyllis Peachlen Miller.
- Q What was her husband's full name? A William Ellis Miller.
- Q How much Choctaw blood did she have? A One half.
- Q Did she live in Mississippi in 1830 and have a family there then? A I don't know.
- Q Did she ever live in Mississippi? A Yes sir I suppose she did.
- Q You heard she did? A Yes sir.

- Q How do you know she lived in Mississippi at any time?
A Other's words for it .
Q People told you in the family? A Yes sir.
Q Did she have a Choctaw Indian name or speak the Choctaw language? A I dont know.
Q How old would she be if living now? A I dont know.
Q When and where did she die? A I dont know.
Q You claim through your mother do you not? A Yes sir.
Q Caroline McDade? A Yes sir.
Q And she claimed through her mother? A Yes sir.
Q What was her mother's name? A Nancy Mopade.
Q She married whom? A She married --she was Nancy Miller and married Mopade.
Q And was Phyllis Peachlen Miller her mother?
A Yes sir.
Q And Phyllis Peachlen Miller is your great grandmother?
A Yes sir.
Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830?
A Not that I know of
Q Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to the United States Indian Agent and signify their intention to remain in Mississippi take land there and become citizens of the United States? A I dont know.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I dont know whether they did or not.
Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.
Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement? A I dont know.
Q Did they claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw Indians than the treaty of 1830?
A I dont know.
Q Did any of your Choctaw ancestors go before either the Commission appointed by the act of Congress approved March 3, 1837 or the Commission appointed by the act of Congress approved August 23, 1842 and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I dont know.
Q These commissions were appointed because a great many Indians who had land in Mississippi and Alabama upon which they had improvements had their land taken from them by the government and sold at its public land sales; they claimed the right to hold these lands because they had gone to Colonel Ward within six months after the ratification of the treaty of 1830 and claimed that he had neglected to put those names upon any list or register made by him. His neglect caused the lands to be taken from them; you never heard that any of your ancestors were treated in that manner by Colonel Ward? A No sir.

- Q The act of Congress approved August 23, 1847 provided that if any Choctaw Indian claimant proved his claim under article fourteen of the treaty of 1830; if it further appeared that he had had land in Mississippi taken from him by the government and sold that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given to him; these certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know.
- Q Is William J. Miller related to you? A Yes sir.
- Q What relation? A Second cousin.
- Q He has made application to be identified as a Mississippi Choctaw? A Yes sir.

M.C.R. 934 is referred to.

- Q Would you like to have the record made in his case and the records of other cases of applicants who have appeared to be identified as Mississippi Choctaws claiming from Phyllis Peachen considered with yours? A Yes sir.
- Q Have you any proof or evidence further you want to introduce? A No sir.
- Q Do you care for time? A Yes sir.

Reasonable time will be allowed this applicant in which to furnish other evidence in support of this claim if she desires to do so.

- Q Do you speak the Choctaw language? A No sir.
- Q Is there anything further that you would like to say in support of this claim? A No sir.

---0---

This applicant has the appearance and physical characteristics of being descended from white parentage; has brown eyes; hair formerly black; now somewhat gray; she has no knowledge of the Choctaw language and no knowledge of compliance on part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of March 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 29th day of March 1902.

Clara Mitchell Wood
M. D. Green Notary Public

COPY.

COMMISSIONERS
HENRY L. DAWES,
TAMS SIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4956.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 22, 1903.

Alice Teague,

Duplex, Texas.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R	934
Pearl Barnett, et al.,	M C R	3819
Cordelia Wheless, et al.,	M C R	3382
Emma Wheless,	M C R	3383
Austin Miller, et al.,	M C R	3381
Hattie Bettes, et al.,	M C R	4752
Carrie E. Alderson,	M C R	4938
Julia D. Alderson, et al.,	M C R	4937
Iva Moore, et al.,	M C R	4939
Lula Sims, et al.,	M C R	4943
Alice Teague, et al.,	M C R	4956
Lillian Arledge, et al.,	M C R	4957
Zella Arledge, et al.,	M C R	4961
Sarah Adams, et al.,	M C R	4955
Marvin H. Adams,	M C R	4962
Lena Broom, et al.,	M C R	4940
Nancy I. Locke, et al.,	M C R	4930
Nancy Daniel Locke Goodman,	M C R	4942
Richard H. Locke,	M C R	4932
John M. Locke, et al.,	M C R	4934
Mary Elizabeth Locke,	M C R	4933
Thomas Clay Locke, et al.,	M C R	4931
Edward J. McDade, et al.,	M C R	5373
Joseph L. McDade, et al.,	M C R	4958
Martha L. Platt, et al.,	M C R	4936
Mattie White, et al.,	M C R	4941
Orrin F. Platt,	M C R	4935
Alexander J. McDade, et al.,	M C R	4949
Exer Mand Gass, et al.,	M C R	4950
Leona T. McDade,	M C R	4945
Jerry S. Hilman, et al.,	M C R	5376
John F. Alford, et al.,	M C R	5374
Dorset E. Alford,	M C R	4944
John W. Hudson, et al.,	M C R	5375
Neal F. McDade, et al.,	M C R	5377
Patrich J. Barnett, et al.,	M C R	4947
Nona Belle Barnett,	M C R	4948

COPY.

—2—

Charles Wesley Edwards,
Virginia E. Nix, et al.,
Charlie A. Hilman,
Julia Compton, et al.,

M C R 4946
M C R 6304
M C R 6311
M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Oliver Miller, Donna May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sanford Allen Wheless, Oliver Lafayette Wheless, Ida Bell Wheless, Forrest Wheless, Mattie Lee Wheless, Louie Violer Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Oliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Tenge, Eva Tenge, Eula Tenge, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Berta Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patrick J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Nona Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

Registered.

MCR-4956

COPY

Muskogee, Indian Territory, April 18, 1907.

Alice Teague,
Duplex, Texas.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

SIGNED

Wm. B. Bixby
Commissioner.

No. 4956

For Identification as a Mississippi Choctaw.

Date

Name *Alice Teague*

Age *51* — Blood *1/16* —

Post Office, *Cuplet, Texas;*

Father: *William McWade, d*

Mother: *Caroline " l.*

Claims through mother
Husband *D. N. Teague. l. w.*
No claim for
Husband

Children:

Eva Teague. 17
Eula " 13

Claim for self
and children

Seen and signed by *Miss M. L. Wood.*

Choctaw MCR 4957

Lillian Arledge

See MCR 934

MCR 4957

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, MARCH 19, 1902.

---O---

In the matter of the application of Lillian Arledge for the identification of herself and her minor child Fannie Alice Arledge as Mississippi Choctaws.

---O---

Applicant represented by W.H.Ritchey, Attorney.

---O---

Lillian Arledge being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lillian Arledge.
Q What is your age? A Nineteen.
Q What is your post office address? A Duplex, Texas.
Q Are you married? A Yes sir.
Q How long have you lived at Duplex? A All my life.
Q You were born there were you? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A J.N.Teague.
Q What is your mother's name? A Alice Teague.
Q She has made application to be identified as a Mississippi Choctaw on this date March 19, has she? A Yes sir.
Q How much Choctaw blood do you claim? A One thirty second.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
Q Your husband is living? A Yes sir.
Q What is his name? A Harvey Arledge.
Q He's a white man of course? A Yes sir.
Q You make no application for your husband? A No sir.
Q What is the name of your child? A Fannie Alice Arledge.
Q How old is she? A She's eleven months old.
Q Is Harvey Arledge the father of this child? A Yes sir.
Q Were either of you ever married before you were married to each other? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10,

1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?

A No sir.

Q Do you now come before this Commission to be identified and for the identification of your child as Mississippi Choctaws claiming under article fourteen of the Treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A Yes sir.

Q Would you like to have it explained to you? A No sir.

Q You think you understand it do you? It reads as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the states, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Phyllis Peachlen Miller.

Q Did she or any of your Choctaw ancestors comply with any of the provisions of this article of that treaty? A I dont know sir.

Q How much Choctaw blood did she have? A One half.

Q What relation was she to you? A My great great grandmother.

Q Did she live in Mississippi in 1830 and have a family there then? A I dont know sir.

Q Did she ever live in Mississippi? A I dont know sir.

Q Can you give the name of any of your ancestors who did live in Mississippi who claimed Choctaw blood?

A No sir.

Q Did she or any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under Article fourteen of the treaty of 1830? A I dont know sir.

Lillian Arledge--3.

- Q Did they claim any land or any benefits under any other article of that treaty of 1830 than article fourteen or under the supplementary articles of the treaty? A I dont know sir.
- Q Did they claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I dont know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 or any time before that year? A I dont know sir.
- Q Did any of them within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent their intention to remain in Mississippi, take land and become citizen of the United States? A I dont know.
- Q Do you know whether any of them went from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A No sir.
- Q By various acts of Congress, on in 1837 and another in 1842 Commissions were appointed which commissions went to the state of Mississippi and heard Mississippi Choctaw Indian claimants who claimed benefits under article fourteen of the treaty of 1830; those Indians had made complaints to Congress that six months after the treaty of 1830 was ratified they had gone to the office of the agency of Colonel Ward who was the United States Indian Agent and had registered or attempted to register their names as Indians who desired to remain, take land and become citizens of the United States and further claimed that Colonel Ward had neglected to put their names upon his list known as Ward's register. After they had so registered they took land in Mississippi upon which they had made improvements and this land was taken from them with the improvements on it, later, by the government and sold at its public land sales because it did not appear that their names were registered and therefore they had no right to hold land; as a matter of fact they had registered or attempted to; the fault was with the United States Indian Agent and not with the Indians therefore later on these Commissions were appointed to hear their claims and right the wrong that had been done those Choctaw Indians; did any of your Choctaw Indian ancestors go before either of those Commissions and claim benefits under article fourteen of that treaty? A I dont know.
- Q Did any of your Choctaw Indian ancestors receive any scrip from the government as Choctaw Indians which entitled them to select land in Mississippi, Alabama Louisiana or Arkansas to take the place of the land which they had formerly had in Mississippi in the old Choctaw Nation and which the government had taken from them and sold? A I dont know sir.
- Q Who is William J. Miller? A My cousin.
- Q Has he appeared before the Commission to be identified as a Mississippi Choctaw? A Yes sir.

Number 934 is here referred to.

William Arledge--4.

- Q Do you want to have the testimony given in his case and the testimony given in the cases of other relatives who have been before the Commission to be identified as Mississippi Choctaws claiming through Phyllis Peachlen as the common ancestor considered with yours? A Yes sir.
- Q Have you any other evidence or proof of any kind you want to introduce? A No sir.
- Q Do you want a little time to produce such evidence? A Yes sir.

Reasonable time will be allowed this applicant in which to furnish additional proof if she desires, in support of this claim.

- Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; fair complexion, blue eyes, brown hair; she has no knowledge of the Choctaw language and no knowledge of compliance on part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of March 1902 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 31st day of March 1902.

William J. Martin
Notary Public.

COPY.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4957.

Muskogee, Indian Territory, January 22, 1903.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Lillian Arledge,

Duplex, Texas.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R 934
Pearl Barnett, et al.,	M C R 3819
Cordelia Wheless, et al.,	M C R 3382
Emma Wheless,	M C R 3383
Austin Miller, et al.,	M C R 3381
Hattie Bettes, et al.,	M C R 4752
Carrie E. Alderson,	M C R 4938
Julia D. Alderson, et al.,	M C R 4937
Iva Moore, et al.,	M C R 4939
Lula Sims, et al.,	M C R 4943
Alice Teague, et al.,	M C R 4956
Lillian Arledge, et al.,	M C R 4957
Zella Arledge, et al.,	M C R 4961
Sarah Adams, et al.,	M C R 4955
Marvin H. Adams,	M C R 4962
Lena Broom, et al.,	M C R 4940
Nancy I. Locke, et al.,	M C R 4930
Nancy Daniel Locke Goodman,	M C R 4942
Richard H. Locke,	M C R 4932
John M. Locke, et al.,	M C R 4934
Mary Elizabeth Locke,	M C R 4933
Thomas Clay Locke, et al.,	M C R 4931
Edward J. McDade, et al.,	M C R 5373
Joseph L. McDade, et al.,	M C R 4958
Martha L. Platt, et al.,	M C R 4936
Mattie White, et al.,	M C R 4941
Orrin F. Platt,	M C R 4935
Alexander J. McDade, et al.,	M C R 4949
Exer Mand Gass, et al.,	M C R 4950
Leona T. McDade,	M C R 4945
Jerry S. Hilman, et al.,	M C R 5376
John F. Alford, et al.,	M C R 5374
Dorset E. Alford,	M C R 4944
John W. Hudson, et al.,	M C R 5375
Neal F. McDade, et al.,	M C R 5377
Patrick J. Barnett, et al.,	M C R 4947
Nona Belle Barnett,	M C R 4948

Charles Wesley Edwards,	M C R 4946
Virginia E. Nix, et al.,	M C R 6304
Charlie A. Hilman,	M C R 6311
Julia Compton, et al.,	M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Oliver Miller, Dona May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sandford Allen Wheless, Oliver Lafayette Wheless, Ida Bell Wheless, Foriest Wheless, Mattie Lee Wheless, Loulei Violer Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Oliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Teague, Eva Teague, Eula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Burta Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patrick J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Nona Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully, **(SIGNED)**

Registered

Tamie Bixby.
Acting Chairman.

MCR-4957

COPY

Muskogee, Indian Territory, April 18, 1907.

Lillian Arledge,
Duplex, Texas.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the five civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

SIGNED *Tams Dixby.*
Commissioner.

For Identification as a Mississippi Choctaw.

Date

MAR 13 1904

Name *Lillian Arledge*

Age *19*

Blood $\frac{1}{32}$

Post Office, *Kuplet, Texas*

Father: *J. N. Teague* l

Mother: *Abie* " l

Claims through mother

~~husband~~

Harry Arledge, l. w.

No claim for
husband -

Children:

Fannie Abie Arledge 11 m

Claim for self
and child

Stenographer *Clara Mitche Wood*

Choctaw MCR 4958

Joseph L. McDade

See MCR 934

MCR 4958

DEPARTMENT OF THE INTERIOR.
 COMMISSION TO THE FIVE CIVILIZED TRIBES.
 MUSKOGEE, INDIAN TERRITORY, MARCH 19, 1902.

---0---

In the matter of the application of Joseph L. McDade for the identification of himself and three minor children, Noel, Mary and Samuel McDade as Mississippi Choctaws.

---0---

Applicant represented by W. H. Ritchey, Attorney.

---0---

Joseph L. McDade being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Joseph L. McDade.
 Q What is your age? A Fifty five.
 Q What is your post office address? A Talip, Fannin County Texas.
 Q Where were you born? A Born in Alabama, Sumpter County.
 Q When did you leave Alabama for Texas? A I left Alabama for Louisiana in '49.
 Q Where did you live in Alabama when you were there?
 A Lived in Sumpter County.
 Q Did you know whether that was in the old Choctaw Nation? A No sir.
 Q How long did you live in Louisiana? A About twenty five years.
 Q Then you went where? A Texas. And have lived there since I come to Texas in '74.
 Q What is your father's name? A Alexander McDade.
 Q Is he living? A No sir.
 Q Is your mother living? A No sir.
 Q What was her name? A Mary Ann McDade?
 Q Through which parent do you claim Choctaw blood? A Mother.
 Q How much do you claim? A One eighth.
 Q Has your mother ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I dont know.
 Q Is your wife living? A Yes sir.
 Q What is her name? A Jane E. McDade.
 Q Is she a Choctaw Indian or a white woman? A White woman.
 Q You make no claim for her do you? A No sir.
 Q Do you make application for children? A Yes sir.
 Q How many? A Three.
 Q Under twenty one years of age? A Yes sir.

Joseph L. McDade--2.

- Q Unmarried? A Yes sir, unmarried.
Q Give me the name of your eldest child?
A Noel McDade.
Q How old is he? A Nineteen.
Q The next. A Mary McDade.
Q How old? A Sixteen.
Q The next? A Samuel McDade.
Q How old? A Fourteen.
Q Is that all? A That's all.
Q Is Jane E. McDade the mother of those children? A Yes sir.
Q When and where were you married to her? A Married in Tulip Pannin County Texas. In '75.
Q What day of the month? A July 27th.
Q By a Minister of the Gospel and under a license? A Yes sir.
Q Have you the proof of your marriage with you? A No sir.
Q Would you like time to produce it? A Yes sir.

Reasonable time will be allowed this applicant in which to offer the evidence of his marriage to Jane E. McDade.

- Q Is your name or the names of any of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q You now come before the Commission to identify yourself and these children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article? A Yes sir.
Q The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi in 1830; before the treaty was signed, it became known that a good many Choctaw Indians refused - would absolutely refuse to go to the Choctaw Nation Indian Territory. under that treaty and so this article was drawn up and put into the treaty; article fourteen is that portion of the treaty of 1830 that was drawn up and put into the treaty for the especial benefit of the Mississippi Choctaw Indians, and reads as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the states, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section

of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said-reservation shall include the present improvements of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with that article? A Not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
- A Phyllis Peachlen.
- Q She married Miller? A Yes sir; William E. Miller.
- Q How much Choctaw blood did she have? A I dont know.
- Q Did she live in Mississippi in 1830 and have a family there then? A I dont know.
- Q Can you give the name of any ancestor of yours who lived in Mississippi in 1830 or any time? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Yes sir.
- Q Do you know they owned any improvements? A Yes sir.
- Q How do you know? A From the family saying so.
- Q Where were they located? A In Sumpter County Alabama.
- Q In 1830? A O, I dont know in 1830; I dont know.
- Q Did any of your Choctaw ancestors go from that old Nation to the new Choctaw Nation between 1833 and 1838?
- A I dont know.
- Q Did any of them go to the United States Indian Agent six months after the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi and stake land there? A I dont know.
- Q Did any of them own any land either under article fourteen of the treaty of 1830 or any article, article sixteen, or article nineteen or any other article of that treaty or under the supplement of that treaty? A I do not know.
- Q The Choctaw Indians who remained in Mississippi after the treaty of 1830 was ratified were required within six months after the ratification of the treaty to go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi take land there and become citizens of the United States; a good many Indians did this whose name a Colonel Ward neglected to put upon his list known as Ward's Register; so many complaints were made that in 1837 as well as in 1842 commissions were appointed by Congress to go to Mississippi and hear claimants under article fourteen of that treaty; they made lists of the names of all the Indians who came before them. Did any of your Choctaw ancestors go before either of those two commissions and claim benefits as Choctaw Indians? A Not that I know of.
- Q Did any of your Choctaw ancestors receive any scrip or

Joseph L. McDade--4.

certificates from the government under an act of Congress approved August 23, 1842? A I dont know.

Q This scrip entitled them to select land in Mississippi Alabama, Louisiana or Arkansas to take the place of land which they had formerly held in Mississippi and which the government had taken from them; you never heard anythings about that? A I think they bought and paid for their own land.

Q Who is William J. Miller? A First cousin of mine.

Q Has he made application to be identified as a Mississippi Choctaw? A Yes sir.

M. C. R. Number 934 is here referred to.

Q Do you want to have the testimony given in his case and also the testimony given in all those cases of applicants claiming through Phyllis Peachlen considered with yours? A Yes sir.

Q Have you any documentary evidence you want to introduce now in support of this case? A No.

Q Do you want time ? A Yes sir.

Q Reasonable time will be allowed this applicant in which to furnish other evidence if he desires in support of this application; also proof of his marriage to his wife Jane E. McDade, in support of this application he makes for the children.

Q Do you speak the Choctaw language? A No sir.

Q

This applicant has the appearance and physical characteristics of being descended from white parentage; has blue eyes, florid complexion; brown hair somewhat gray; does not understand the Choctaw language; has no knowledge of compliance on part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of March 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this thirtyfirst day of March 1902.

William J. Martin
Notary Public.

COPY.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

W.C.R. 4955.

Muskogee, Indian Territory, January 22, 1903.

ADDRESSES ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Joseph L. McDade,
Tulip, Texas.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R	934
Pearl Barnett, et al.,	M C R	3819
Cordelia Wheless, et al.,	M C R	3382
Emma Wheless,	M C R	3383
Austin Miller, et al.,	M C R	3381
Hattie Bettes, et al.,	M C R	4752
Carrie E. Alderson,	M C R	4938
Julia D. Alderson, et al.,	M C R	4937
Iva Moore, et al.,	M C R	4939
Lula Sims, et al.,	M C R	4943
Alice Teague, et al.,	M C R	4956
Lillian Arledge, et al.,	M C R	4957
Zella Arledge, et al.,	M C R	4961
Sarah Adams, et al.,	M C R	4955
Marvin H. Adams,	M C R	4962
Lena Broom, et al.,	M C R	4940
Nancy I. Locke, et al.,	M C R	4930
Nancy Daniel Locke Goodman,	M C R	4942
Richard H. Locke,	M C R	4932
John M. Locke, et al.,	M C R	4934
Mary Elizabeth Locke,	M C R	4933
Thomas Clay Locke, et al.,	M C R	4931
Edward J. McDade, et al.,	M C R	5373
Joseph L. McDade, et al.,	M C R	4958
Martha L. Platt, et al.,	M C R	4936
Mattie White, et al.,	M C R	4941
Orrin F. Platt,	M C R	4935
Alexander J. McDade, et al.,	M C R	4949
Exer Mand Gass, et al.,	M C R	4950
Leona T. McDade,	M C R	4945
Jerry S. Hilman, et al.,	M C R	5376
John F. Alford, et al.,	M C R	5374
Dorset E. Alford,	M C R	4944
John W. Hudson, et al.,	M C R	5375
Neal F. McDade, et al.,	M C R	5377
Patrich J. Barnett, et al.,	M C R	4947
Nona Belle Barnett,	M C R	4948

Charles Wesley Edwards,
Virginia E. Nix, et al.,
Charlie A. Hilman,
Julia Compton, et al.,

M C R 4946
M C R 6304
M C R 6311
M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Oliver Miller, Dona May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sanford Allen Wheless, Oliver Lafayette Wheless, Ida Bell Wheless, Forieat Wheless, Mattie Lee Wheless, Loulei Violer Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Oliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Teague, Eva Teague, Eula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Berta Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patrich J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Nona Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,



Registered

Tams Bixby.
Acting Chairman.

MCH-4958

COPY

Muskogee, Indian Territory, April 18, 1907.

Joseph L. McDade,
Tulip, Texas.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the five civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

FOR IDENTIFICATION AS A MISSISSIPPI ORPHAN.

Date

MAR 13 1902

Name Joseph L. McLeod.

Age 55 - Blood 1/8

Post Office, Tulip, Texas.

Father: Alexander McLeod, d

Mother: Mary Ann " d

Claims through mother,
wife, Jane E. McLeod, l.w.
No claim for wife.

Children:

Noel McLeod.	19
Mary "	16
Samuel "	14

Claims for wife
and children

Stenographer Clara Mictre Wood

Choctaw MCR 4959

Mandy Mc Broom

See MCR 4960

MCR 4959

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Mandy McBroom, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Mandy McBroom, et al.,	M.C.R. 4459
George McBroom,	M.C.R. 4960

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Mandy McBroom, et al. _

	(Page)
Original application of Mandy McBroom, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Affidavit of Catherine Franklin-----	8
Affidavit of R. L. Parker-----	9
Original application of George McBroom to the Dawes Commission for identification as a Mississippi Choctaw-----	10
Decision of the Commission refusing the applications in the consolidated case of Mandy McBroom, et al., for identification as Mississippi Choctaws-----	16

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, March 19, 1902.

---O---

In the matter of the application of Mandy McBroom for the identification of herself and her minor children, John McBroom, Richmond McBroom, Elisha McBroom, Dolena McBroom, Josephine McBroom, Eva McBroom and Sammy McBroom as Mississippi Choctaws.

---O---

Applicant not represented by attorney.

---O---

Mandy McBroom being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mandy McBroom.
Q What is your age? A Forty eight.
Q What is your post office address? A Kiser, I. T.
Q How long have you lived there? A Been there one month
Q Where did you live before that? A In Texas.
Q Where were you born? A In Texas.
Q Always lived in Texas until you came to Kiser, Indian Territory a month ago? A Yes sir.
Q Is your father living? A Yes sir; the last account I had of him.
Q Is your mother living? A I reckon she is; I aint seen my mother in about four years.
Q What is your father's name? A Joe Bowles.
Q What is your mother's name? A Her name's Hannah Maytubbee.
Q Why is'nt it Hannah Bowles? A She married Bowles.
Q Is Hannah Maytubbee your mother's maiden name? A Yes sir.
Q And she married Bowles? A Yes sir.
Q Before she married him her name was Maytubbee.
A Yes sir.
Q You claim through which parent - father or mother?
A Mother.
Q How much Choctaw blood do you claim? A Half.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory?
A No sir; not that I know of.
Q What was your father's blood; what race did he belong to? A My father?
Q Joe Bowles? A He was a white man.
Q He had no other blood except white? A No sir.
Q He belonged to the white race did he? A Yes sir.
Q No colored blood and no Indian blood? A No sir.
Q Have you any negro blood? A No sir not as I know of; my mother was a full blood and my grand father was a full blood Indian so she said.

Mandy McBroom—2.

- Q Your mother you say was a full blood Indian? A Yes
sir.
- Q Where was she born? A In Mississippi.
- Q Where in Mississippi? A About Natchez somewhere.
- Q Near the Mississippi river? A Yes sir.
- Q What was her maiden name? A Hannah Maytubbee.
- Q Did she speak the Choctaw language? A Well I dont know
sir whether she did or not.
- Q When and where did she marry your father Joe Bowles?
- A In Texas.
- Q Have you any children under twenty one years of age and
unmarried you want to make application for?
- A Yes sir; I got seven children; I got eight children;
there's one here is twenty three.
- Q Is your husband living? A Yes sir.
- Q What is his name? A Dick McBroom.
- Q Is he a white man or negro? A He's said to be Indian
and white folks.
- Q Has he any colored blood? A Not as I know of.
- Q Did you ever hear that he had? A No sir.
- Q What tribe of Indians does he belong to? A Mississipp-
pi Choctaw.
- Q You make no claim for him? A No sir.
- Q Give me the name of the oldest child of yours under age
- A Twenty.
- Q What is the name of that child? A John McBroom.
- Q The next? A Richmond McBroom? A Eighteen.
- Q The next? A Elisha McBroom, sixteen.
- Q The next? A Delena McBroom, fourteen.
- Q The next? A Josephine McBroom, eleven.
- Q The next? A Eva McBroom, nine.
- Q The next? A Sammy McBroom, six.
- Q The next? A That's all I had. I just had seven under
age.
- Q Is that the seven? A That's the seven.
- Q That's all is it? A Yes sir; that boy there, he asks
for himself.
- Q Is Dick McBroom the father of these children? A Yes
sir.
- Q And you are the mother? A Yes sir.
- Q And all live with you at your home? A Yes sir.
- Q Were either you or your husband ever married be-
fore you married each other? A He was married once
before.
- Q How long ago was it he married? A Well I dont know
exactly how long.
- Q There are no children by that marriage you want to
make application for? A No sir; he aint got but
one; she 's married; lives back yonder in Texas.
- Q Did his first wife die? A Yes sir.
- Q Is your name or the name of any of your children on
any of the tribal rolls of the Choctaw Nation in
Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the

- Choctaw Nation to the Choctaw tribal authorities for yourself and children? A No sir.
- Q Have you ever made application for yourself or your children for enrollment as Choctaw Indians to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you or any of your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you want to be identified now with your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir; I don't understand it.
- Q I have read it in your presence about thirty times. Do you think by one more explanation you will understand it? A I don't know sir whether I will or not; I will try.
- Q This is the last chance you will have to understand it.
- A If I don't understand it I will just try.
- Q The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September 1830 between the United States government and the Choctaw tribe of Indians. At the time that treaty was made the old Choctaw Nation was partly in Mississippi and partly in Alabama. The object of the treaty was to remove all those Choctaw Indians from that old Choctaw Nation to the Choctaw Nation Indian territory. You understand that so far? A Yes I reckon I do.
- Q Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect their interests this article that I am now speaking about - article fourteen was put into the treaty; it was put into the treaty for the special benefit of Mississippi Choctaw Indians; after that article was inserted into the treaty, the treaty was signed and later on, on the 24th day of February 1831, it was ratified by both governments; it reads as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of

Mandy McBroom--3.

of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that now? A I understand some of it; I dont understand it all.
- Q That's about the thirtyfirst time you have heard that read and explained; dont you get some idea of it? A Yes I get a little idea of it.
- Q Do you know whether any of your Choctaw ancestors complied with that article of that treaty? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? The one who lived in Mississippi in 1830? A Maytubbee; that's my grandfather's name.
- Q How much Choctaw blood did he have? A He was a full blood Indian.
- Q Did he have an English name? A I dont know sir.
- Q Never knew any other name than Maytubbee? A No sir.
- Q His daughter's name was Hannah Maytubbee? A Yes sir.
- Q Whena nd where was your grandfather Maytubbee born?
- A In Mississippi.
- Q Where? A Along about Natches somewhere so my mother says.
- Q What date? A I dont know sir.
- Q Did he die in Mississippi? A He's there yet if he's living.
- Q Did he have a family in Mississippi in 1830? A I dont know. sir whether he did or not but he had a family.
- Q You dont know whether he had a family in 1830 or not?
- A No sir.
- Q Do you know his father's name? A No sir.
- Q Do you know what his mother's name was? A No sir.
- Q Did he speak the Choctaw language? A I dont know sir whether he did or not.
- Q Did you know him personally? A No sir; I never did see him; my mother was telling me about him.
- Q Could your mother speak the Choctaw language? A Yes sir a littl e.
- Q Did your grandfather Maytubbee own any improvements on land in Mississippi in 1830? A I dont know sir whether he did or not.
- Q Did your grandfather within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him he wanted to stay in Mississippi take land there and become a citizen of the United States?
- A I dont know sir whether he did or not.
- Q Did your grandfather or any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838?
- A Not that I know of.
- Q How old is your mother now? A My mother if she's living - she's seventy.
- A And Maytubbee, is her father? A Maytubbee is her father.
- Q And if she is living she is seventy years old; she was born back there in '32 was'nt she? A I dont know sir.
- Q She was born in Mississippi was'nt she seventy years ago?
- A Yes sir.
- Q And your grandfather Maytubbee was living in Mississippi in 1832 and had a family there then and your mother was born there? A That's what my mother said.
- Q Did your mother have any older brothers and sisters?
- A I dont know sir whether she did or not; she said she had

Mandy McBroome--3.

of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that now? A I understand some of it; I dont understand it all.
- Q That's about the thirtyfirst time you have heard that read and explained; dont you get some idea of it? A Yes I got a little idea of it.
- Q Do you know whether any of your Choctaw ancestors complied with that article of that treaty? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? The one who lived in Mississippi in 1830? A Maytubbee; that's my grandfather's name.
- Q How much Choctaw blood did he have? A He was a full blood Indian.
- Q Did he have an English name? A I dont know sir.
- Q Never knew any other name than Maytubbee? A No sir.
- Q His daughter's name was Hannah Maytubbee? A Yes sir.
- Q Where and where was your grandfather Maytubbee born? A In Mississippi.
- Q Where? A Along about Hatcher somewhere so my mother says.
- Q What date? A I dont know sir.
- Q Did he die in Mississippi? A He's there yet if he's living.
- Q Did he have a family in Mississippi in 1830? A I dont know. sir whether he did or not but he had a family.
- Q You dont know whether he had a family in 1830 or not? A No sir.
- Q Do you know his father's name? A No sir.
- Q Do you know what his mother's name was? A No sir.
- Q Did he speak the Choctaw language? A I dont know sir whether he did or not.
- Q Did you know him personally? A No sir; I never did see him; my mother was telling me about him.
- Q Could your mother speak the Choctaw language? A Yes sir a little.
- Q Did your grandfather Maytubbee own any improvements on land in Mississippi in 1830? A I dont know sir whether he did or not.
- Q Did your grandfather within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him he wanted to stay in Mississippi take land there and become a citizen of the United States? A I dont know sir whether he did or not.
- Q Did your grandfather or any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A Not that I know of.
- Q How old is your mother now? A My mother if she's living - she's seventy.
- Q And Maytubbee, is her father? A Maytubbee is her father.
- Q And if she is living she is seventy years old; she was born back there in '32 was'nt she? A I dont know sir.
- Q She was born in Mississippi was'nt she seventy years ago? A Yes sir.
- Q And your grandfather Maytubbee was living in Mississippi in 1832 and had a family there then and your mother was born there? A That's what my mother said.
- Q Did your mother have any older brothers and sisters? A I dont know sir whether she did or not; she said she had

- some brothers and sisters.
- Q Do you know whether your grandfather Maytubbee or any other ancestor of yours owned or received any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I dont know sir.
- Q Did any of your Choctaw ancestors and particularly Maytubbee own or claim any land under article sixteen or nineteen of the treaty of 1830 or under the supplement of the treaty?
- A I dont know sir; I heard my mother say that her father always drewed a pension and about the land I dont know.
- Q A pension from the government? A I dont know sir.
- Q As a soldier or an Indian? A Said he drawed a pension; said her father always drawed a pension; I dont know about the land.
- Q Did you never hear whether Maytubbee your grandfather went to Colonel Ward's office in 1831 within six months after the ratification of the treaty of 1830 with the other Indians and said that he wanted to stay in Mississippi, take land there and become a citizen of the states? A No sir I dont know more than what my mother always told me; that's all I know.
- Q The Choctaw Indians who remained in the old Choctaw Nation Mississippi or Alabama after the treaty of 1830 was ratified were required to go to the United States Indian Agent within six months from the ratification of that treaty, and tell him they wanted to stay there, take land and become citizens of the states, if they intended to take advantage of the provisions of that article; a good many Indians did this whose names Colonel Ward the agent failed to put upon his list known as Ward's Register; his neglect to do so caused a good many Indians to have their lands taken from them in the old Choctaw Nation by the government and sold; this caused a great many complaints so that Congress appointed commissions at various times which went to Mississippi in 1837 and 1842 and heard claimants under article fourteen of the treaty; did you ever hear that Maytubbee or any of your Choctaw ancestors went before the Commission of 1837 or 1842 and claimed here fits as Choctaw Indians? A No sir.
- Q Did any of your Choctaw Indian ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had formerly had in Mississippi and which the government had taken from them and sold?
- A I dont know.
- Q This scrip was issued under an act of Congress approved August 23, 1842. A Never heard he r say nothing about that; just heard her say her father always drawed a pension.
- Q You dont know whether the name of Maytubbee, your ancestor, appears upon any of the lists in Volume 7 of American State Papers as a beneficiary either under article nineteen of the treaty of 1830 or article fourteen of that treaty?
- A No sir; I dont believe I do; I heard my mother say that her father's name was on the list.
- Q But you dont know what list? A No sir; I heard her say he was on the list.
- Q You are unable to prove that his name appears upon any list as a beneficiary under article fourteen or nineteen? A Fourteen I believe is what she told me.
- Q Do you know whether your grandfather Maytubbee was a beneficiary under article nineteen of the treaty of 1830? A No sir I dont know.

On page seventy four of the American State Papers Volume seven appears the name of Mastubbe; his name appears in the list of Choctaw Indians who were entitled to receive benefits under article nineteen of the treaty of 1830 in Mushulatubbe's District.

- Q Do you know whether that is your grandfather or not? A My mother said so.
- Q Did she say this Mastubbe? A Maytubbee she said.
- Q You have'nt any proof to identify him with you now have you? A No sir not with me; I have'nt.
- Q Do you know whether your mother had a brother who had an Indian name or a sister either? A No sir.
- Q Did you ever hear the name Hiah-ca-tubbe or Mockaliah - did you ever hear those names? A No sir.
- Q Did you ever hear your mother speak of any such brother or sister? A No sir.
- Q Did you ever hear that Maytubbee had an application made for him through his son Mockaliah? A No sir.
- Q Did you ever hear that this son of Maytubbee, Mockaliah went before the Commissioners, Gains and Rush on the 7th day of September 1844 and made application for rights under article fourteen claiming that Maytubbee had gone before colonel Ward and made his application but had not been recognized? A No sir ; never heard that.

The records in the possession of the Commission show that on page 619 of Volume 1 of the Choctaw Nation against the United States government the name of Maytubbee appears as being deceased and that an application was made for him by him son Mockaliah.

- Q Are you able to testify whether that is your grandfather or not? A Not now I aint but I reckon I can.
- Q Do you think you can if given time? A Yes sir.

Reasonable time will be allowed this applicant in which to prove if possible that her ancestor Maytubbee was a beneficiary under article fourteen of the treaty of Dancing Rabbit Creek.

- Q You have no documentary evidence you would now like to introduce? A No sir; not that I know of.
- Q Do you speak the Choctaw language? A No sir.
- Q Have you any relatives that have appeared here to be identified as Mississippi Choctaws claiming from Maytubbee? A No sir.
- Q You are the only one in your family? A Me and my son.
- Q He is to make application now is he not? A Yes sir.
- Q You claim to be half Choctaw and half white? A I claim half Choctaw Indian.
- Q And what is the other half? A White folks I reckon.
- Q And no negro blood? A My mother was a full Indian and my father white.

This applicant has the appearance and physical characteristics of a person of mixed white and Indian blood; she claims to be one half Choctaw; she no doubt has Choctaw blood; she says she has no negro blood; the Commission is unable to see any trace of negro blood in her physical appearance;

Mandy McGroom--6.

features and complexion would indicate Indian, and while she has no knowledge of the Choctaw language and no knowledge of compliance on part of her ancestor with any of the provisions of article fourteen of the treaty of 1830 except that she has been informed by her mother that her grandfather Maytubbee was upon some list, but she is unable to state whether upon the list of beneficiaries under article 19 as shown on page 74 volume 7 of the American State Papers or whether her ancestor Maytubbee was upon any other list to which the Commission has referred in this examination.

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Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of March 1902 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 2 day of April 1902.

William J. Martin
Notary Public.

COPY.

MM
Cor.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mandy McBroom, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Mandy McBroom, et al.,	M.C.R. 4959
George McBroom,	M.C.R. 4960

---D E C I S I O N---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Mandy McBroom for herself and her seven minor children, John,
Richmond, Elisha, Delbna, Josephine, Eva and Sammy McBroom, and by
George McBroom for himself, under the following provision of the
act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that the principal applicant, Mandy McBroom

claim rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of one Maytubbee, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty; and that all the other applicants herein claim said rights by reason of being descendants of the said Maytubbee and Dick McBroom, who is alleged to have been possessed of Choctaw Indian blood (degree not stated).

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the name of one May Tubbee appears on page 393, Volume 1, Claimant's Brief and Evidence, in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742, in "a tabular statement of cases arising under the fourteenth article of the treaty of "Dancing Rabbit Creek" adjudicated by the board of Commissioners constituted by the act of Congress of 23rd of August, 1842" as a claimant, the father of one child Eliza, under ten years of age at the date of treaty; also that the name of one Ma-tubbee appears on page 619 of said Volume in abstracts C. and D. constituting a "list of those Choctaws denominated Bay Indians who can be identified", as a deceased Indian, father of two children

over ten years of age, to wit: Hi-ah-ca-tubbee and Mook-a-li-ah, and for whom claim was made by his son Mook-a-li-ah, which claim was rejected September 30, 1854; also that the name of one Ma-tubbe appears on page 778 of said volume in the deposition of Lixey Parver as a child over ten years of age, a son of one Bush-per-ho-nah, since deceased, leaving no issue. It is also found that the name of one Maatubbe appears on page 74 of Volume 7, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Mushulatubbe's District in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek" and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. There is nothing in the evidence submitted by the applicants herein tending to show that the Maytubbee through whom they claim, is identical with the May Tubbee, or Ma-tubbee, or Ma-tubbe, or Maatubbe, whose names appear in the records cited.

It does not appear from the testimony and evidence offered in support of these applications or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Maytubbee, through whom these applicants claim, or Dick McBroome, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of article fourteen

or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mandy McBroom, John McBroom, Richmond McBroom, Elisha McBroom, Dolena McBroom, Josephine McBroom, Eva McBroom, Sammy McBroom and George McBroom as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED)

James Pixby.

Acting Chairman

(SIGNED)

T. B. Needles.

Commissioner

(SIGNED)

C. E. Breckinridge.

Commissioner

Muskogee, Indian Territory

DEC 20 1907

PC 495-9
Kiser, I.T.

March 27th 1902.

To the Dawes Commission Sirs:

Find inclosed affidavit of Cathrin Franklin in the matter of the application of Mand McBroom an her minor children and George McBroom for identification as Mississippi Choctaws also certifie copy of marriag licens of Dick McBroom & Mandy Bolds. Sir this a short name they call him Jacob, it is the same man my housban on receipt of same please write Dick McBroom at Kiser I.T.

Miss. Choctaw 4959

Muskogee, Indian Territory, March 29, 1902.

Dick McBroom,

Kiser, Indian Territory, .

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty seventh instant, inclosing affidavit of R. L. Parker that between 1860 and 1876, he, as County Clerk of Shelby County, Texas, issued license to Jacob McBroom and Mandy Bolds, and certificate of J. B. Reddin, County Clerk of Shelby County, that the court house of that county was destroyed by fire in 1882; also affidavit of Catherine Franklin, offered in support of the application of Mandy McBroom for the identification of herself and her minor children as Mississippi Choctaws. The same have been filed with the record in your case and will receive consideration in the disposition of the application.

Yours truly,

Acting Chairman.

M.C.R. 4959

Enbridge, Indian Territory, December 20, 1902.

Mandy McBroom,

Kiser, Indian Territory.

Dear Madam:

You are hereby advised that on the 20th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mandy McBroom, et al., embracing the following applications for identification as Mississippi Choctaws:

Mandy McBroom, et al.,	M.C.R. 4959
George McBroom,	M.C.R. 4960

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mandy McBroom, John McBroom, Richmond McBroom, Elisha McBroom, Dolena McBroom, Josephine McBroom, Eva McBroom, Sammy McBroom and George

Handy McBrook-2

McBrook as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNATURE)

I. B. Needles,
Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, December 20, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 20th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mandy McBroom, et al., embracing the following applications for identification as Mississippi Choctaws:

Mandy McBroom, et al.,
George McBroom,

M.C.R. 4959
M.C.R. 4960

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mandy McBroom, John McBroom, Richmond McBroom, Elisha McBroom, Dolena McBroom, Josephine McBroom, Eva McBroom, Sammy McBroom and George McBroom as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

M, Mam & C-2

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, January 5, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mandy McBroom, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 20, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Mandy McBroom, et al.,
George McBroom,

M.C.R. 4959
M.C.R. 4960

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

Tame Dixby.
Acting Chairman.

Enc. M.C.R. 4959

(COPY)
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

Land
1712-1903.

March 14, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

There are transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Mandy McBroom, for the identification of herself and her seven minor children, John, Richmond, Elisha, Dolena, Josephine, Eva and Sammy McBroom, as Mississippi Choctaws.

On December 20, 1902, the Commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw Nation and that their application for such identification should be denied.

An examination of the record evidence shows that the principal applicant, Mandy McBroom claims to be possessed of Choctaw blood and inherited the same from her mother, Hannah Bowles (nee May-tubbee) and her grandfather May-tubbee, but the record evidence does not show that either of her said ancestors ever complied or attempted to comply with the provisions of Article 14 of the treaty of 1830 or secured a patent for land thereunder. The evidence does show that none of the applicants is a Choctaw Indian of the full blood.

On pages 798 and 799 of Volume 1 of the Court of Claims records appears the following statement:

"

No.4

The deposition of Pa-sham-ba (alias Co-pa-sha), a full blood Choctaw, in behalf of himself and certain other heads of families hereinafter named.

This day Pa-sham-ba (alias Co-pa-sha) a full blood Choctaw, who, after being admonished of the obligations of an oath, and being duly sworn, deponeth as follows, viz:

That at the date of the treaty of Dancing Rabbit Creek, himself and the Choctaw heads of families hereinafter named belonged to Captain Meashattah's company, in Nitachachee's district. That Captain Meashattah went to the treaty and when he returned reported to his company that a treaty had been made, and that among other things it was put in the treaty that each head of a family could remain and hold their improvements and land, by signifying their intention to the agent to do so, whereupon deponent and the other head of families hereinafter named, as well as others of Captain Meashattah's company (whose names are not now recollected) appointed Captain Meashattah to go to the United States Agent and make known to the Agent their intention to remain and hold their lands and improvements; that Captain Meashattah, in pursuance of this said appointment, received from deponent and the other heads of families hereinafter named, a stick from each, expressive of their intention to remain in the ceded country, and hold their land and improvements, that in the next spring or beginning of the summer, after the treaty was made at Dancing Rabbit Creek, Captain Meashattah went to the United States Agent (who deponent heard was called Col. Ward) to signify the intention of himself and such of his company as had, as above stated, appointed their captain to make known to the Agent their intention to remain in the ceded country and hold their lands and improvements and live among white people, and when Captain Meashattah returned he brought with him a paper writing, which Captain Meashattah represented to deponent was a certificate that he, Captain Meashattah and those of his company for whom he carried sticks, were to have their improvements and lands where they then lived and to remain in the ceded country, which paper Captain Meashattah as deponent believes, kept until his death, which was about 7 years ago, and which paper deponent believes to be lost as deponent is informed diligent search has been made for it and that it cannot be found. Deponent further saith that all Captain Meashattah's company had the utmost confidence in the correctness of all that he represented to them; he was a sober, religious man, their preacher, and deponent never knew him to deceive his people in anything, and therefore, they acted always upon whatever he represented to them, with as much confidence as if they had seen and heard for themselves.

#

CASE No. 1.

Ma-tub-bee (dec'd) case represented by his son Mock-a-hiah about-- years old; Ma-tub-bee was one of Captain Meashattah's Company in Nisachachee's district, was a Choctaw head of a family and signified to be registered as above stated. He had a house and field on which he resided at the date of the treaty and continued to reside thereon until he removed for the causes hereinafter stated. His improvement was on Tus-so-neck-but-tah Creek, the particular locality of which he has been informed is proved by the documents on file and above referred to by deponent Ma-tub-bee had two children living with him at the date of the treaty, viz:

1. Hi-a-ca-tubbee, dead, over ten at date of treaty.
2. Mock-a-hiah, present; over ten at date of treaty.

#

Deponent further saith that about two years after the treaty, the emigrating agents of the Government of the United States drove their wagons into the neighborhood of deponent and the above named heads of families, and threatened to take their women and children forcibly and remove them west of the Mississippi River.

This conduct of the Government agents so much alarmed deponent and all the above named heads of families, that they took their wives and children and escaped to the white settlements in Hancock County, Mi., for protection, where they have remained ever since, waiting in hopes that Government upon hearing of the bad conduct of its agents, would restore them to their homes and country from which they had escaped, for the reasons above stated.

Pash-am-ba or Co-pa-sha
his X mark

Sworn to and subscribed before us this 7th day of September, 1844

Geo. S. Gaines
S. Rush,
Com's.

There is nothing in this statement which taken with the record evidence, shows that the Ma-tubbee therein mentioned is one and the same person as the May-tubbee whom the principal applicant claims was her grand-father.

By reason of the premises, the office considers that said decision of the Commission is correct and recommends that the same be affirmed by the Department.

Very respectfully,

(Signed) A.C. Tonner,

Acting Commissioner.

W.C.B.

L.

(COPY)

J.W.H.

D.C. 14186
I.T.D. 2966-1903.
DEPARTMENT OF THE INTERIOR.
WASHINGTON.

FHM

May 11, 1903.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 5, 1903, you transmitted the record in the consolidated case of Mandy McBroom (M.C.R. 4959), et al., applicants for identification as Mississippi Choctaws, including your decision of December 20, 1902, refusing to identify them as such.

The principal applicant, through whom the others claim, is an one-half blood Choctaw, who was born in 1854 in Texas. She obtained her Choctaw blood from her mother, Hannah May tubbee, who is a full blood Choctaw and now living. The latter was born in Mississippi near Natches, about the year 1832. She was the daughter of a full blood Choctaw named May tubbee, who also lived near Natches.

Your decision of said date contains the material part of the information contained in your records bearing upon this case, together with your conclusions thereon, and reads in part as follows:

"It is found that the name of one May Tubbee appears on page 393, Volume 1, Claimant's Brief and Evidence, in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742, in a tabular statement of cases arising under the fourteenth article of the treaty of 'Dancing Rabbit Creek' adjudicated by the board of Commissioners constituted by the act of Congress of 23rd

of August, 1842' as a claimant, the father of one child Elize, under ten years of age at the date of treaty; also that the name of one Ma-tubbee appears on page 619 of said Volume in abstracts C. and D. constituting a 'list of those Choctaws denominated Bay Indians who can be identified', as a deceased Indian, father of two children over ten years of age, to wit: Hi-ah-ca-tubbee and Mook-a-li-ah, and for whom claim was made by his son Mook-a-li-ah, which claim was rejected September 30, 1854; also that the name of one Ma-tubbee appears on page 778 of said volume in the deposition of Lixey Farver as a child over ten years of age, a son of one Bush-per-ho-nah, since deceased, leaving no issue. It is also found that the name of one Maatubbe appears on page 74 of Volume 7, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Mushula-tubbe's District in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama at the date of the making of the treaty of 'Dancing Rabbit Creek' and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. There is nothing in the evidence submitted by the applicants herein tending to show that the Maytubbee through whom they claim is identical with the May Tubbee, or Ma-tubbee, or Ma-tubbe, or Maatubbe, whose names appear in the records cited."

Reporting in the matter March 14, 1903, the Acting Commissioner of Indian Affairs recommended that your action be approved, one of his reasons being that "The evidence does show that none of the applicants is a Choctaw Indian of the full blood." His report contains certain information taken from pages 798 and 799 of Volume 1 of the Court of Claims records, from which it appears that there was a person named Ma-tub-bee who attempted to comply with the provisions of article 14 of the

treaty of September 27, 1830.

A further reason why the Acting Commissioner recommended that your decision be approved was that there is nothing in the testimony contained in the record in the case which shows that May-tubbee, the ancestor of these applicants, was identical in person with the Ma-tub-bee referred to in said Volume 1 of the Court of Claims record.

Said report of the Acting Commissioner fails to show whether the records of his office contain any other information relative to persons named May-tubbee.

The Department has therefore consulted a "List of names of Choctaws to whom Scrip was issued under the 14th article of the treaty of Dancing Rabbit Creek", prepared by the Indian Office, and finds thereon the following names:

"Me ah te ubbee; Me ah tubbee; Ma hah tubbe; Mi ah tubbee; Me ha tubbe; Ma he tubbe; Me yah tubbe; and Me ah tubbee," any one of whom may have been identical in person with the grandfather of the principal applicant.

It is therefore considered that a final adjudication of the case should not be had at the present time, and that further inquiry should be made in the matter. In advising the applicants of their right

to present additional testimony it is desired that you follow the instructions, so far as they are applicable, contained in departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins (M.C.R.4964).

A further reason for additional investigation in the matter is due to the fact that the mother of the principal applicant is now living, and is a full blood Choctaw. Such being the case it is possible that she has been, or may yet be, identified by you as a Mississippi Choctaw, in accordance with section 41 of the act of July 1, 1902 (32 Stat., 641). If so, those applicants in this case who are her descendants, are also entitled to identification. (See opinion of the Assistant Attorney General of March 17, 1903).

The case is accordingly remanded to you for appropriate action in accordance with instructions herein contained. The record is returned herewith, together with a copy of the Acting Commissioner's letter.

Respectfully ,

(Signed)

Thos Ryan

Acting Secretary.

2 inclosures.

Muskogee, Indian Territory, May 20, 1903.

Mandy McBroom,

Kiser, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of May 11, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mandy McBroom, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

The record in this case shows that you claim your Choctaw descent from May tubbee.

The Secretary of the Interior in his letter states:

"The Department has consulted a 'List of names of Choctaws to whom Serip was issued under the 14th article of the treaty of Dancing Rabbit Creek', prepared by the Indian Office, and finds thereon the following names: 'Me ah te tubbee; Me ah tubbee; Me hah tubbee; Mi ah tubbee; Me ha tubbe; Ma he tubbe; Me yah tubbe; and Me ah tubbee,' any one of whom may have been identical in person with the grandfather of the principal applicant."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

K M 2

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw applications, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event, however, that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

W. H. S. 1

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, June 22, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

H. & R. Day

Registered

Muskogee, Indian Territory, May 20, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of May 11, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mandy McBroom, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, June 22, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

M C R 4959

Muskogee, Indian Territory, July 8, 1903.

Mandy McBroome,

Kiser, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 1, 1903, in which you ask for an extension of time in which to offer further evidence in support of your claim.

In reply you are informed that you will be allowed up to and inclusive of August 3, 1903, within which to submit further evidence in support of your application for identification as a Mississippi Choctaw.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, August 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On January 6, 1903, the Commission transmitted to the Department the record in the consolidated Mississippi Choctaw case of Mandy McBroom, et al., together with its decision of December 20, 1902, refusing the applications of the several applicants included in said consolidated case.

With departmental letter of May 11, 1903 (I T D 2966-1903), the record in this case was remanded in order that the applicants might be granted further opportunity to introduce additional evidence in support of their claims.

In accordance therewith the Commission on May 20, 1903, notified the applicants that they would be allowed up to and inclusive of Monday, June 22, 1903, to introduce additional evidence in support of the applications of the several applicants for identification as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

On account of the work of the Commission being suspended on June 3, 1903, said case was not called for hearing on the date

set; and on July 8, 1903, the Commission received from Mandy Mo-Broom, Kiser, Indian Territory, a letter in which she asked for an extension of time within which to offer further evidence in support of her claim. On the same date she was informed that she would be allowed up to and inclusive of August 3, 1903, to introduce such evidence.

No appearance having been entered by or on behalf of the applicants, and no additional testimony having been offered by them, the original record in said case, together with copies of notices furnished the applicants and the attorneys for the Choctaw and Chickasaw Nations, is therefore herewith transmitted.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

McM 1

DEPARTMENT OF THE INTERIOR,

J.W.H.
PHE.

D.C. 30240.
ITD. 2966-1903.
8506, "
L.R.S.

Washington, October 28, 1903.

Commission to the
Five Civilized Tribes,
Muskogee, Indian Territory,

Gentlemen:

With your report of August 4, 1903, you resubmitted the case involving the application for identification as Mississippi Choctaws of Mandy McBroom (M.C.R. 4959), for herself and her seven minor children, John, Richmond, Elisha, Dolena, Josephine, Eva and Sammy McBroom, which was remanded to you with departmental letter of May 11, 1903, with directions that the applicants be allowed an opportunity to present further evidence in support of their claims.

You report that on May 20, 1903, you notified the applicants that they would be allowed up to and inclusive of Monday, June 22, 1903, to introduce additional evidence in support of their applications; also that on the same date you notified the attorneys for the Choctaw and Chickasaw Nations to the same effect. You further report that you extended the time allowance up to and inclusive of August 3, 1903, but that no appearance was entered by or on behalf of the applicants, nor was any additional evidence offered by them.

From the testimony furnished by the applicants it appears that the principal applicant, through whom the others

claim, is a one half blood Choctaw who was born in 1854, in Texas. She obtained her Choctaw blood from her mother, Hannah May-tubbee, a full blood Choctaw. The latter was born in Mississippi, near Natchez, about the year 1832. She was the daughter of a full blood Choctaw named May-tubbee, who also lived in that vicinity.

From the records of the Department it appears that there were a number of persons whose names ~~were~~ were similar to that of May-tubbee who was entitled to the benefits of article 14 of the treaty of September 27, 1830. It is impossible to determine, however, from the evidence submitted, that any one of the persons so entitled was identical in person with the ancestors of these applicants.

In its reports of March 14 and August 28, 1903, relative to the matter, the Indian Office recommended that your action be approved. The Department concurs in said recommendation, and your decision of December 20, 1902, rejecting the applicants, is hereby affirmed. A copy of the Indian Office letter of August 28, 1903, is herewith inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure,

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August, 28, 1903.

Land.
50850-1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, letter of the Commission to the Five Civilized Tribes, of the 4th instant, returning record in the consolidated Mississippi Choctaw case of Mandy McBroom et al., wherein, with Departmental letter of May 11, 1903, (I.T.D.2966-1903), the record in this case was remanded in order that the applicants might be granted opportunity to introduce additional evidence in support of their claims.

In accordance with the instructions of the Department, the Commission on May 20, 1903, notified the applicants that they would be allowed up to and inclusive of Monday, June 22, 1903, to introduce additional evidence in support of the applications herein, and on the same date notice to the same effect was furnished the Attorneys for the Choctaw and Chickasaw Nations.

On account of the work of the Commission being suspended on June 3, 1903, this case was not called for hearing on the date set, and on July 8, 1903, the Commission received from Mandy McBroom, Kiser, I. T., a letter, asking for an

the extension of time in which to offer further evidence in support of her claim. On the same date she was informed by the Commission that she would be allowed up to and inclusive of August 3, 1903, to introduce such evidence. No further appearance having been entered by or in behalf of the applicants up to and inclusive of August 3rd, and no additional testimony having been offered by them, the original record in the case, together with copies of the notices furnished the applicant and the Attorneys for the Choctaw and Chickasaw Nations, is transmitted by the Commission for Departmental action.

The original record in this case was returned to the Commission for the reason that the principal applicant claimed her Choctaw descent through her mother, Hannah May-tubbee, a full-blood Choctaw Indian, now living, who was born near Hatcher about the year 1832, being the daughter of a full-blood Choctaw named May-tubbee, who also lived near Hatcher, and the records of this office showed that there was a May-tubbee who was an applicant for land under the provisions of the 14th Article of the Choctaw Treaty.

Under the instructions of the Department the applicants were to be accorded an additional opportunity to furnish such supplementary evidence as would connect them with May-tubbee, record of whose case is in this office, if the facts warranted.

After having been given ample opportunity to submit such additional evidence and the time having been extended on application for 30 days, the applicant failed to appear with additional evidence or to show cause why the conditions imposed could not

be complied with and thereby defaulted. I therefore am of opinion that the original decision of the Commission, rejecting the applicants, should be approved, and so recommend.

Very respectfully,

W.A. Jones,
Commissioner.

EBH/LKS.

COPY.

W.C.R. 4959.

Muskogee, Indian Territory, November 5, 1903.

Mandy McBroom,

Kiser, Indian Territory,

Dear Madam:

You are hereby notified that on the 28th day of October, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mandy McBroom, et al., of which decision you were advised by registered mail on the 20th day of December, 1902.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

COPY.

M.C.R. 4959.

Muskogee, Indian Territory, November 5, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 28th day of October, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mandy McBroom, et al., of which decision you were advised on the 20th day of December, 1902.

Respectfully,

(SIGNED) *James Bixby.*
Chairman.

REFER TO M. C. R. 4959

Mandy McBroon
et al

Consolidation Case

Maytubber full

Hannah Maytubber full 70
married
Jos Bowles, white

McR
4454

Mandy Bowles 48 1/2
married
Dick McBroom

McR

1192

George McBroom 23 1/4

McR

4954

John McBroom, 20

Richmond McBroom, 18

Elisha McBroom, 16

Dolna McBroom, 14

Josephine McBroom, 11

Eva McBroom, 9

Sammy McBroom, 6

For Identification as a Mississippi Choctaw.

Date

Name Mandy Mc Broom

Age 48 - Blood 1/2

Post Office, A'rier. I.T.

Father: Joe Bowles, ^{white} l.

Mother: Hannah " l.

Claims through mother
Husband: Dick Mc Broom, l.
(Ind. & white)

No claim for
husband

Children:

John Mc Broom,	20
Richmond "	18
Elisha "	16
Kolma "	14
Josephine "	11
Eva "	9
Sammy "	6

Claims for self & children.

Stenographer Clara Mectue Wood.

Choctaw MCR 4960

George Mc Broom

See MCR 4959

MCR 4960

4960
Department of the Interior.
Commission to the Five Civilized Tribes.
Waskogee, Indian Territory, March 19, 1902.

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In the matter of the application of George McBroom for
identification as a Mississippi Choctaw.

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Applicant not represented by attorney.

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George McBroom being first duly sworn testified as
follows:

Examination by the Commission:

- Q What is your name? A George McBroom.
Q What is your age? A Twenty three.
Q What is your post office address? A Kiser, I. T.
Q Have you a lawyer? A No sir.
Q Are you married? A No sir.
Q You make application for yourself alone do you? A Yes
sir.
Q How long have you lived at Kiser? A I lived there about
fourteen months? A Where did you live before that? A In
Texas.
Q Born in Texas? A Yes sir.
Q Where in Texas? A Shelby County.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Dick McBroom.
Q What is your mother's name? A Mandy McBroom.
Q She has made application just now has she not to be identi-
fied as a Mississippi Choctaw? A Yes sir.
Q Do you claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One quarter.
Q Has your mother ever been recognized in any way or enrolled
as a member of the Choctaw tribe of Indians by the Choctaw
tribal authorities or the United States authorities in
Indian Territory? A No sir.
Q What is your father's blood? A Indian and white it is
supposed to be.
Q You dont claim through him? A No sir; I claim by my
mother.
Q Has your father any colored blood - any negro blood? A Not
as I knows of; he may be.
Q Now just stop and think a moment; I dont know but it seems
to me you show trace of negro blood.
A He might be one quarter colored blood.
Q Dont you think he is? A Yes sir.
Q Then your father is part white, part Indian and part negro
is'nt he? A Yes sir I believe so.
Q And your mother's blood is what? A Mother's blood Indian
and white.
Q No negro blood? A No sir.
Q She has no negro blood but you get yours from your father?
A Yes sir.
Q Do you know if he was ever a slave? A No sir; I dont know
whether he was or not.

- Q Never heard? A No sir.
- Q You are not married? A No sir.
- Q Claim for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you made any application to any authority whatever before this to become identified or enrolled as a Mississippi Choctaw? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Yes I think so.
- Q Do you care to have it further explained? A No sir.
- Q It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that? A Yes sir I think I do.
- Q Did any of your Choctaw ancestors comply with the provisions of that article? A I dont know sir.
- Q Do you understand that this article fourteen was made for the special bene fit of Choctaws who wanted to stay in the old Choctaw Nation instead of removing to this new country? A Yes sir.
- Q Your mother has testified here that her grandfather was Maytubbee; that would be your great grandfather? A Yes sir.

George Morbroom--3

- Q The name of Maytubbee appears upon certain lists/ Do you know whether Maytubbee complied with article fourteen of the treaty of 1830? Or article nineteen of the treaty of 1830? A I think-----
- Q I dont want you to "think"; I want to know do you know as a matter of family history? A No sir I dont.
- Q Did Maytubbee live in Mississippi? A Yes sir.
- Q Did he have a family there in 1830? A I dont know sir.
- Q How old is your mother's mother; your grand mother; how old is she; Hen nah Bowles? A I dont know sir.
- Q That's your grandmother? A Yes sir; I dont know sir.
- Q Do you know when she was born? A No sir.
- Q Do you know where she was born? A She was born in Texas I guess. I know she was.
- Q Your mother said she was born in Mississippi. A I think Hannah Maytubbee was born in Mississippi.
- Q Hannah Maytubbee was born in Mississippi? A Yes sir.
- Q Her daughter you think was born in Texas? A You are talking about my mother's father's folks?
- Q You claim through your mother and she claims through who?
- A Her grand father.
- Q Hannah Maytubbee-- I'm talking about Hannah Maytubbee- do you know where she was born? A In Mississippi so my mother says.
- Q And how many years ago if you can tell? A No sir I dont know when.
- Q Was she a full blood Choctaw Indian? A My mother said she said she was.
- Q Do you know anything about your great grand father Maytubbee?
- A No sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent Colonel Ward in Mississippi or anyone for them and tell him they wanted to stay in Mississippi; take land there and become citizens of the states? A No sir not that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A My mother said my grandfather did.
- Q Improvements on land in Mississippi in 1830? Do you know whether your great grandfather Maytubbee did? A I dont know whether my great grand father owned any land in 1830.-----
- Q Did your great grandfather Maytubbee or his daughter; your grandmother own land or claim any in Mississippi or Alabama under article fourteen or nineteen of the treaty of 1830 or under any other article of that treaty or the supplement of that treaty? A No sir; not that I know of.
- Q Did Maytubbee ever claim any benefits as a Choctaw Indian under any other treaty made between the United States government and the Choctaw Indians other than the treaty of 1830?
- A Not that I know of.
- Q On page 74 of the American State Papers volume 7 appears the name of Maytubbee who was a beneficiary under article fourteen of the treaty of 1830 on a list of beneficiaries who appear in Captain Mushulatubbe's District; do you know whether this Maytubbee your great grandfather or not? A No sir.

Geogre McBroom--4.

- Q You cant identify him as your great grandfather now?
A Not now at the present.
Q You think you can if given reasonable time? A Yes sir I think I can.

Reasonable time will be allowed this applicant in which to furnish such proof or any proper evidence in support of this application which he makes for himself.

The records in the possession of the Commission show that on page 619 of volume 1 of the Choctaw Nation against the United States government the name of Matubbee appears as being deceased and that an application was made for him by his son Mokaliah for an interest in lands in Mississippi claiming as beneficiaries under article fourteen of the treaty of 1830.

- Q Do you know whether this is your great grandfather or not?
A No sir I dont know sir.
Q You are not able to identify him as such? A Not at the present.
Q In 1837 as well as in 1842 commissions were appointed by Congress to go to Mississippi and hear claimants under article fourteen of the treaty of 1830; the reason why these commissions were appointed was that a great many Indians who claimed that they had gone to Colonel Ward within six months after the ratification of the treaty of 1830, failed to have their names place upon Wards Register and this failure of Colonel Ward to record their names caused a good many Indians who had land in the old Choctaw Nation to lose both their land and improvements; as a result of this wrong to the Indians those commissions were appointed by Congress and made lists of names of Indian claimants who went before each one respectively; did you ever hear that your great grandfather Matubbee or any of your Choctaw ancestors went before the Commission appointed by act of Congress approved March 3, 1837 or before the Commission approved August 23, 1842 and claimed benefits as Choctaw Indians?
A No sir.
Q Is Mandy McBroom your mother? A Yes sir.
Q She made application to day did she not to be identified as a Mississippi Choctaw? A Yes.
Q Do you want to have the record in her case considered with yours. A Yes sir
Q Do you speak the Choctaw language? A No sir.
Q Do you know whether your great grandfather Matubbee did?
A No sir I dont.
Q Is there anything further you want to say now in support of this claim? A No sir; I just want to ask you how much time you will give me.
Q Reasonable time; I cant limit the time but thirty days I presume and more if necessary but I would get the evidence in as quickly as possible.

This applicant has the appearance and physical characteristics of a person of mixed blood composed

George McBroom--8

Indian, negro and white blood; He shows traces of negro blood; his features also would show that he has a certain quantity of Indian blood which he claims is Choctaw; his mother who has just appeared before the Commission to be identified shows both Indian and white blood; she has no traces of negro; this applicant claims his negro blood through his father; does not speak the Choctaw language and has no knowledge of compliance on part of his ancestors with any of the provisions of article fourteen of the treaty of 1830 farther than he claims his great grandfather Maptubbee, according to the statements made by his mother was upon some list of Choctaw Indians in Mississippi but he is unable to state what list or that he was a beneficiary under either article fourteen or article nineteen of the treaty of 1830?

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of March 1902 and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 2 day of April 1902.

William J. Martin
Notary Public.

COPY.

Muskogee, Indian Territory, December 20, 1902.

George McBroom,

Kiser, Indian Territory.

Dear Sir:

You are hereby advised that on the 20th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mandy McBroom, et al., embracing the following applications for identification as Mississippi

Choctaws:

Mandy McBroom, et al.,
George McBroom,

M.C.R. 4959
M.C.R. 4960

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mandy McBroom, Jehn McBroom, Richmond McBroom, Elisha McBroom, Delena McBroom, Josephine McBroom, Eva McBroom, Sammy McBroom and George

George McBroom-2

McBroom as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles

Registered:

Muskogee, Indian Territory, May 20, 1903.

George McBroom,

Kiser, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of May 11, 1903, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Mandy McBroom, et al., with instructions that the applicants be granted further opportunity to introduce additional testimony and evidence in support of their claim.

The record in this case shows that you claim your Choctaw descent from May tubbee.

The Secretary of the Interior in his letter states:

"The Department has consulted a 'List of names of Choctaws to whom Scrip was issued under the 14th article of the treaty of Dancing Rabbit Creek', prepared by the Indian Office, and finds thereon the following names: 'Ma ah te ubbee; Ma ah tubbee; Mahah tubbee; Mi ah tubbee; Ma ha tubbe; Ma he tubbe; Me yah tubbe; and Ma ah tubbe,' any one of whom may have been identical in person with the grandfather of the principal applicant."

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

G MoB 2

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw applications, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event, however, that such witnesses are unable to make personal appearance on account of old age or infirmity or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

0 22

You are hereby notified that in accordance with the instructions above referred to, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, June 22, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep

Registered

COPY.

M.C.R.4960.

Muskogee, Indian Territory, November 5, 1903.

George McBroom,

Kiser, Indian Territory.

You are hereby notified that on the 28th day of October, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mandy McBroom, et al., of which decision you were advised by registered mail on the 20th day of December, 1902.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

No. _____
For Identification as a Mississippi Choctaw.

Date _____ 11 1932

Name George Mc. Broom,

Age 23 - Blood $\frac{1}{4}$ -

Post Office, K. ier, I. T. -

Father: Klier Mc Broom, l

Mother: Mandy. " - l

Claims through mother

~~Children:~~

Claims for self alone

Choctaw MCR 4961

Zella Arledge

See MCR 934

MCR 4961

Department of the Interior.
Commission to the five Civilized Tribes.
Muskogee, I.T. March 19, 1902.

4961

In the matter of the application of Zella Arledge for the identification of herself and her minor child, Henry Arledge, as Mississippi Choctaws.

W.H.Ritchey, att'y for applicants.

Zella Arledge being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Zella Arledge.
Q What is your age? A Twenty.
Q What is your post office address? A Tulip, Texas.
Q How long have you lived at Tulip? A Well, I have lived there all my life; I haven't any post office; it is near Bonham.
Q Is your father living? A Yes sir.
Q What is his name? A Henry Pope.
Q Your mother's name is what? A Letha Pope.
Q Is she living? A No sir.
Q You claim through which parent? A Mother.
Q How much Choctaw blood do you claim? A One thirty second.
Q Was your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Emmett Arledge.
Q Is he a Choctaw Indian or a white man? A White man.
Q Do you make any claim for him? A No sir.
Q Have you any children that you want to make application for?
A One.
Q What is the name of that child? A Henry Arledge.
Q How old is he? A One year.
Q You claim for yourself and this child? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Is Emmett Arledge the father of Henry? A Yes sir.

Q And this child is living with you at your home? A Yes sir.

Q Were you or your husband ever married before you married each other? A No sir.

Q Have you ever made application to be enrolled to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities; or to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896?

A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Do you now come before this Commission to be identified and for the identification of this boy as Mississippi Choctaws claiming under article four teen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A Yes sir.

Q Like to have it further explained to you? A No sir.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that article? A Yes sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Phyllis Peachlen.

Q Do you know whether she or any of your Choctaw ancestors ever complied or attempted to comply with any of the provisions of that article? A No sir.

Q Did she live in Mississippi in 1830? And had a family there then?

A I don't know.

Q How much Choctaw blood did she have? A A half.

- Q Did she have a Choctaw Indian name or speak the Choctaw language?
 A I don't know.
 Q How old would she be if living now? A I don't know that.
 Q You claim through your mother? A Yes sir.
 Q How old would she be? A Forty.
 Q Where was she born? A In Texas.
 Q She claimed through which parent? A Her mother.
 Q What was her mother's name? A Caroline McDade.
 Q What was her maiden name? A Her maiden name was McDade and she married a McDade.
 Q They were first cousins? A Third cousins I think.
 Q Did she ever live in Mississippi? A I don't know.
 Q And she claimed through whom? A Her mother.
 Q What was her name? A Nancy McDade.
 Q And her maiden name was what? A Miller.
 Q Did she claim through Phyllis Peachlen-Miller? A Yes sir.
 Q So, that's the way you trace it back? A Yes sir.
 Q Now, have any of these Choctaw ancestors whose names you have given in a direct line back to Phyllis ever lived in Mississippi?
 A I don't know.
 Q Did any of your Choctaw ancestors ever live in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know.
 Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838 and 1840? A I don't know.
 Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian agent Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
 Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen or nineteen or under any other article of the treaty of 1830 or under the supplement to that treaty? A I don't know.
 Q Did they ever own or claim any benefits as Choctaw Indians under any other treaty made between the United States and the Choctaw Indians other than the treaty of 1830? A I don't know.

The Indians who remained in Mississippi after the ratification of the treaty of 1830 were required under that fourteenth article of that treaty if they wanted to take advantage of its provisions to go to the United States Indian agent within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States and that they wanted to get a deed to the land they occupied at the end of five years; a good many Choctaw Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register after they had gone to the United States agency and made an offer to be enrolled, but their lands and the improvements on them were taken from them by the Government and sold; this caused a great many complaints among the Indians and as a result of these complaints Congress appointed a Commission in 1837 by an act approved March 3, that year, and also in 1842 by an act approved August 23, that year; these two Commissions went to Mississippi, one in 1837 the other in 1842, and heard claimants under article fourteen of that treaty.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen of that treaty? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the Government as Choctaw Indians which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana to take the place of land which they held in Mississippi and which the Government had taken from them and sold? A I don't know.

Q Who is William J. Miller? A He is my third cousin.

Q Was he made application to be identified as a Mississippi Choctaw? A Yes sir.

Reference is made to his number M.C.R. 934.

Q Do you want to have the testimony offered by him in his application together with the testimony offered by other claimants who make application here for identification as Mississippi Choctaws, claiming through Phyllis Peachlen considered with yours? A Yes sir.

Q Have you any other proof that you want to introduce at this time? A No sir.

Q Do you care for any time in which to furnish further evidence? (Attorney for applicant asks for usual time.)

Reasonable time will be allowed this applicant, on motion of her attorney, in which to offer additional testimony or evidence in support of her application.

Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; light complexion, dark eyes and brown hair; does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above proceedings on March 19, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 1st day of April, 1902.

Clara M. Hullwood

Notary Public.

COMMISSIONERS

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4261.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 22, 1903.

Zella Arledge,

Tulip, Texas.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R 934
Pearl Barnett, et al.,	M C R 3819
Cordelia Wheless, et al.,	M C R 3382
Emma Wheless,	M C R 3383
Austin Miller, et al.,	M C R 3381
Hattie Bettes, et al.,	M C R 4752
Carrie E. Alderson,	M C R 4938
Julia D. Alderson, et al.,	M C R 4937
Iva Moore, et al.,	M C R 4939
Lula Sims, et al.,	M C R 4943
Alice Teague, et al.,	M C R 4956
Lillian Arledge, et al.,	M C R 4957
Zella Arledge, et al.,	M C R 4961
Sarah Adams, et al.,	M C R 4955
Marvin H. Adams,	M C R 4962
Lena Broom, et al.,	M C R 4940
Nancy I. Locke, et al.,	M C R 4930
Nancy Daniel Locke Goodman,	M C R 4942
Richard H. Locke,	M C R 4932
John M. Locke, et al.,	M C R 4934
Mary Elizabeth Locke,	M C R 4933
Thomas Clay Locke, et al.,	M C R 4931
Edward J. McDade, et al.,	M C R 5373
Joseph L. McDade, et al.,	M C R 4958
Martha L. Platt, et al.,	M C R 4936
Mattie White, et al.,	M C R 4941
Orrin F. Platt,	M C R 4935
Alexander J. McDade, et al.,	M C R 4949
Exer Maud Gass, et al.,	M C R 4950
Leona T. McDade,	M C R 4945
Jerry S. Hilman, et al.,	M C R 5376
John F. Alford, et al.,	M C R 5374
Dorset E. Alford,	M C R 4944
John W. Hudson, et al.,	M C R 5375
Neal F. McDade, et al.,	M C R 5377
Patrick J. Barnett, et al.,	M C R 4947
Nona Belle Barnett,	M C R 4948

Charles Wesley Edwards,
Virginia E. Nix, et al.,
Charlie A. Hilman,
Julia Compton, et al.,

M C R 4946
M C R 6304
M C R 6311
M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Olliver Miller, Dona May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sandford Allen Wheless, Oliver Lafayette Wheless, Ida Bell Wheless, Forest Wheless, Mattie Lee Wheless, Loulei Violer Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Olliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Teague, Eva Teague, Eula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Burt Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara V. Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patrich J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Nona Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Registered.

Tamie Bixby.

Acting Chairman.

MCH-4961

COPY

Muskogee, Indian Territory, April 18, 1907.

Walla Arledge,
Tulip, Texas.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

SIGNED *Wm. Bixby.*
Commissioner.

POOR ORIGINAL -
BEST AVAILABLE COPY

FOR IDENTIFICATION AS A MISSISSIPPI CHILD

Date

MAR 10 1902

Name Zella Arledge

Age 20 Blood 1/32

Post Office, Tulip, Texas

Father: Henry Pope. l

Mother: Letha " " d

Claims through mother
~~Husband~~
Emmett Arledge, l. w.
No claim for husband

Children:

Henry Arledge, 1 year

Claims for self
and child

Stenographer H. S. Hains,

Choctaw MCR 4962

Marvin H. Adams

See MCR 934

MCR 4962

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 19, 1902.

4962

In the matter of the application of Marvin H. Adams for identification as a Mississippi Choctaw.

W.H.Ritchey, att'y for applicant.

Marvin H. Adams being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Marvin H. Adams.
Q What is your age? A Twenty three.
Q What is your post office address? A Ivanhoe, Texas.
Q How long have you lived there? A All my life right around there.
Q And was born near there? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Absalom Adams.
Q What is your mother's name? A Sarah Adams.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A A thirty second I think.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A She was here this morning.
Q Well, she hasn't been enrolled by the Choctaw Indians? A No sir.
Q She has been here to be identified as a Mississippi Choctaw? A Yes sir.
Q Under the name of Sarah Adams? A Yes sir.
Q Are you married? A No sir.
Q Claim for yourself alone, do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under act of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A I heard it read just now.

Q Well, do you understand it or do you want it explained further?

A I think I understand it.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to be come citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of article fourteen of that treaty?

A Not that I know of.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Phyllis Peachlen. That was her maiden name.

Q Whom did she marry? A Miller.

Q What was his full name? A I don't know.

Q Was he a white man? A Yes sir.

Q Did Phyllis Peachlen live in Mississippi in 1830 and have a family there at that time? A I don't know.

Q Did she ever live in Mississippi? A I don't know.

Q What relation was she to you? A Great great grandmother.

Q How much Choctaw blood did she have? A Said to be a half I believe

Q Where did she die? A I don't know.

Q How old would she be if living now? A I don't know.

Q You claim through your mother? A Yes sir.

Q What was her maiden name? A McDade.

Q She claimed through which parent? A Mother.

Q What was her mother's name? A Caroline McDade was her maiden name, and she married a McDade.

Q she claimed through? A Her mother. Her name was Nancy Miller before she married McJade.

Q And she claimed through Phyllis Peachlen-Miller? A yes sir.

Q Did any of these ancestors you have named live in Mississippi?

A I don't know.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward and tell him that they wanted to stay in Mississippi take land there and become citizens of the United States? A I don't know.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838? A I don't know.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama either under the fourteenth article of the treaty of 1830 or the 16 or 19 or the supplementary articles of that treaty? A I don't know.

Q Did any of your Choctaw ancestors own or claim any benefits as Choctaw Indians under any treaty made between the United States and the Choctaw Indians other than the treaty of 1830? A I don't know.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi or Alabama after the treaty of 1830 was ratified, if they wanted to take advantage of article fourteen of that treaty, were required within six months after the ratification of that treaty to go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Indians attempted to register with Col. Ward at his agency in Mississippi in 1831 within the time limited in article fourteen but for some reason Col. Ward failed to make any record of their application. They afterwards took land in Mississippi under that application and the Government later on took the land from them and sold it because their names did not appear on Ward's Register- there was no proof that they registered; of course this was an injustice to the Indians and they made a great many complaints, so that in 1837 Congress appointed a Commission under an act approved March 3, that year, which went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. In 1842 by an act approved August 23, that year, Congress appointed a Commission for the same purpose- this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits under article fourteen of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the Government of the United States which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana to take the place

-4-

of land which they had formerly held in Mississippi and which the Government sold? A I don't know.

Q Was William J. Miller related to you? A Yes sir.

Q He has made application to be identified as a Mississippi Choctaw? A Yes sir.

Q What kin to you? A Third cousin.

His number, M.C.R. 934 is here referred to.

Q Do you want to have the testimony given by him in his application and the records filed by him to be considered with yours? A Yes sir.

Q And with all that claim under this same common ancestor, Phyllis Peschlen? A Yes sir.

Q Have you any further evidence or proof? A No sir.

(On motion of counsel for applicant reasonable time is allowed this applicant in which to offer further evidence in support of this application.)

Q Do you speak the Choctaw language? A No sir.

Q Is there anything further you would like to say in support of this claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; light complexion, blue eyes light hair; has no knowledge of the Choctaw language and none of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings on March 19, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 1st day of April, 1902.

Clarence H. Woodward

Notary Public.

COMMISSIONERS

HENRY L. DAWES.
TANS WIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 4962.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 22, 1903.

Marvin H. Adams,

Ivanhoe, Texas.

You are hereby advised that on the 22nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. J. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

W. J. Miller, et al.,	M C R	934
Pearl Barnett, et al.,	M C R	3819
Cordelia Wheless, et al.,	M C R	3382
Emma Wheless,	M C R	3383
Austin Miller, et al.,	M C R	3381
Hattie Bettes, et al.,	M C R	4752
Carrie E. Alderson,	M C R	4938
Julia D. Alderson, et al.,	M C R	4937
Iva Moore, et al.,	M C R	4939
Lula Sims, et al.,	M C R	4943
Alice Teague, et al.,	M C R	4956
Lillian Arledge, et al.,	M C R	4957
Zella Arledge, et al.,	M C R	4961
Sarah Adams, et al.,	M C R	4955
Marvin H. Adams,	M C R	4962
Lena Broom, et al.,	M C R	4940
Nancy I. Locke, et al.,	M C R	4930
Nancy Daniel Locke Goodman,	M C R	4942
Richard H. Locke,	M C R	4932
John M. Locke, et al.,	M C R	4934
Mary Elizabeth Locke,	M C R	4933
Thomas Clay Locke, et al.,	M C R	4931
Edward J. McDade, et al.,	M C R	5373
Joseph L. McDade, et al.,	M C R	4958
Martha L. Platt, et al.,	M C R	4936
Mattie White, et al.,	M C R	4941
Orrin F. Platt,	M C R	4935
Alexander J. McDade, et al.,	M C R	4949
Exer Maud Gass, et al.,	M C R	4950
Leona T. McDade,	M C R	4945
Jerry S. Hilman, et al.,	M C R	5376
John F. Alford, et al.,	M C R	5374
Dorset E. Alford,	M C R	4944
John W. Hudson, et al.,	M C R	5375
Neal F. McDade, et al.,	M C R	5377
Patrick J. Barnett, et al.,	M C R	4947
Nona Belle Barnett,	M C R	4948

Charles Wesley Edwards,
Virginia E. Nix, et al.,
Charlie A. Hilman,
Julia Compton, et al.,

M C R 4946
M C R 6304
M C R 6311
M C R 6312

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of W. J. Miller, Johnnie McCoy Miller, Olliver Miller, Donna May Miller, Pearl Barnett, Mary Barnett, Charlie Barnett, Cordelia Wheless, Jacob M. Wheless, Emory S. Wheless, Sanford Allen Wheless, Oliver Layfutte Wheless, Ida Bell Wheless, Foriest Wheless, Mattie Lee Wheless, Loulei Violer Wheless, Thomas Watson Wheless, John Harvel Wheless, William Elias Wheless, Emma Wheless, Austin Miller, Toy Bell Miller, Tinnie Miller, Watt Rodgers Miller, Olliver Miller, Hattie Bettes, Blanche Bettes, Carrie E. Alderson, Julia D. Alderson, Vera I. Saunders, George A. Saunders, Letha Ann Taylor, Mabel Clyde Taylor, Mary Taylor, Iva Moore, Alan Moore, Lula Sims, Frank Sims, Gladys Sims, Alice Teague, Eva Teague, Eula Teague, Lillian Arledge, Fannie Alice Arledge, Zella Arledge, Henry Arledge, Sarah Adams, Lena Adams, Ella Adams, Nora Adams, Ura Adams, Burt Adams, Grover Adams, Jessie Adams, Bland Adams, Marvin H. Adams, Lena Broom, Clara Broom, Arthur W. Broom, Dixie H. Broom, Turner I. Broom, Nancy I. Locke, William Frederic Locke, Nancy Daniel Locke Goodman, Richard H. Locke, John M. Locke, Ray Locke, Robert B. Locke, Mary Elizabeth Locke, Thomas Clay Locke, Grace Locke, Edward J. McDade, Marion W. McDade, Edward J. McDade, Jr., Lemuel A. McDade, Nina McDade, Mary McDade, Joseph L. McDade, Noel McDade, Mary McDade (2), Samuel McDade, Martha L. Platt, Luther Eugene Platt, Mattie White, Mavis White, James P. White, William R. White, Jr., Louisa White, Orrin F. Platt, Alexander J. McDade, Percy L. McDade, Hallie W. McDade, Oda McDade, Miller McDade, Carrie May McDade, Evelyn D. McDade, Exer Maud Gass, Mary Gass, Fannie Gass, Thomas Gass, Clovie Gass, Irene Gass, Arthur Gass, Nellie Gass, Leona T. McDade, Jerry S. Hilman, Willie Ab Hilman, Carrie Stiles Hilman, Fannie Virginia Hilman, John F. Alford, Anna Bell Alford, James W. Alford, Robert Drew Alford, Willie Neil Alford, Katie Eva Alford, Dorset E. Alford, John W. Hudson, John Wesley Hudson, James Forest Hudson, Reece Linn Hudson, Fannie Leslie Hudson, Leon Applis Hudson, Jessie May Hudson, Neal F. McDade, Boida E. McDade, Neal F. McDade, Jr., Inda McDade, Patrich J. Barnett, Henry J. Barnett, Robert E. Barnett, William Barnett, Annie M. Barnett, Minnie L. Barnett, Nona Bell Barnett, Charles Wesley Edwards, Virginia E. Nix, Cecile Nix, Thomas Nix, Minnie Nix, Charlie A. Hilman, Julia Compton, Mary M. Compton, Mandie E. Compton, William E. Compton, Silas R. Compton and Annie L. Compton as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(Signature)

Registered

Tams Bixby.

Acting Chairman.

MCR-4988

COPY

Muskogee, Indian Territory, April 18, 1907.

Marvin H. Adams,
Ivanhoe, Texas.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 22, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of W. J. Miller et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

For Registration as a Mississippi Orphan.

Date

MAR 19 1902

Name Marvin H. Adams

Age 23 — Blood $\frac{1}{32}$ —

Post Office, Ivanhoe, Texas

Father: Absolom Adams, l

Mother: Sarah .. l

Claims through mother

~~Claims~~

Claims for self alone

Stenographer H. G. Hains.

Choctaw MCR 4963

Annie M. Merriweather

MCR 4963

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Annie M. Merriweather,
et al., for identification as Mississippi Choctaws, M C R 4963.

List of papers forwarded to the Secretary of the Interior,
with the record in the above case, together
with the page occupied by each
in said record.

Original application of Annie M. Merriweather, et al. Page.
for identification as Mississippi Choctaws, 1

Final decision of the Commission in the case of
Annie M. Merriweather, et al., applicants for
identification as Mississippi Choctaws, refus-
ing said application.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 19, 1902.

4963

In the matter of the application of Annie M. Merriweather for the identification of herself and her four minor children, Minnie Ora, Willie R., Mattie D. and Moses A. Merriweather, as Mississippi Choctaws.

A.S. McRea, att'y for applicants.

Annie M. Merriweather being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Annie M. Merriweather.
Q What is your age? A Thirty six.
Q What is your post office address? A McGee, Indian Territory.
Q How long have you lived there? A Nine years.
Q Where did you live before that? A Tennessee.
Q Where were you born, in that State? A West Tennessee.
Q Always lived in Tennessee until you came to the Territory? A Yes I stayed there and Mississippi together.
Q What portion of your time was in Mississippi? A In 1888 and 1890.
Q Is your father living? A No sir.
Q Is your mother living? A She is- was the last I heard from her.
Q What is your father's name? A Alfred Bates.
Q What is your mother's name? A Margaret Bates.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A An eighth.
Q Was your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States-- A No sir.
Q Is your husband living? A Yes sir.
Q What is his name? A Mack W. Merriweather.
Q Do you make any claim for him as a Choctaw Indian? A No sir.
Q What race does he belong to? A African race.
Q You claim for him? A No sir.
Q Was your father a negro? A Yes sir.
Q Was he a slave at any time? A Yes sir.
Q Was your mother part negro? A Yes sir.
Q And part Indian? A Yes sir.

- Q Did she have any white blood? A No sir.
- Q Was she a slave at any time? A No sir; yes sir she was.
- Q Where were they slaves? A She was in Tennessee and my father in middle Tennessee until they brought him out there.
- Q How many children under twenty one years of age and unmarried that you want to make application for? A Four.
- Q What is the name of the eldest? A Minnie Ora.
- Q How old is Minnie? A Nineteen.
- Q The next? A She is nineteen, that's Minnie. The next is Willie R.
- Q A boy? A Yes sir.
- Q How old is Willie R.? A He will be eight years old next month.
- Q Seven now? A Yes sir; the next one is named Mattie D.
- Q How old is Mattie? A She is four.
- Q The next? A Moses A.
- Q How old is Moses? A One year past.
- Q That is all is it? A Yes sir.
- Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Is Mack W. Merriweather the father of these children? A All except one.
- Q What was the name of your first husband? A James McGregor.
- Q Is he dead? A Yes sir.
- Q Was a negro? A Yes sir.
- Q Well, then, Minnie Ora is Mamie Ora McGregor, isn't she? A Yes sir.
- Q And these other children are Merriweather children- the children of Mack W. Merriweather and your own? A Yes sir.
- Q They are all your children? A Yes sir.
- Q Minnie Ora is living with you? A Yes sir off and on.
- Q How long has her father been dead? A Died in 1884.
- Q These children all claim their Choctaw blood through you? A Yes sir.
- Q None through their father? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities for yourself and children in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation with your children by either the Choctaw tribal authorities, the Commission to the Five civilized Tribes or by the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw and for the identification of your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir.
- Q Do you want to have that read and explained to you? A Yes sir.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830; it was made for the special purpose of removing all the Choctaw Indians from the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the

treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Indian Territory Nation with the other Indians under that treaty and so in order to protect the interests of those Indians who elected to remain back in the old Nation article fourteen was put into the treaty; it reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply with any of the provision of that article of that treaty? A Yes sir.

Q How do you know? A My mother said so.

Q In what way did any of your ancestors, Choctaw ancestors, comply with the provisions of that article of that treaty? A My great grandfather was a Choctaw full blood.

Q Tell me what he did under that article to comply with it. A I don't know sir.

Q Did he within six months after the ratification of the treaty of 1830 go to the United States Indian agent Col. Ward and tell him that he wanted to remain in Mississippi, take land there and become a citizen of the United States? A Yes sir.

Q How do you know? A My mother told me so.

Q Did she tell you all that in just those words? A Yes sir.

Q Told you Col. Ward's name, did she? A She said Col. Ward.

Q What was his first name, did she tell you? A No sir.

Q Did she tell you it was Colonel Wm. Ward? A I don't know or recollect; she might have told me it was William; she told me it was Ward.

Q What was Col. Ward's business? A He was making a treaty.

Q No, he didn't make any treaty; now, what did he do? She told you all about it- you tell me exactly what Col. Ward did there. A He was sent there by Congress of '30- made a treaty there to give them all homes.

Q No, he didn't; the treaty of 1830 was made between the Nation itself and the representatives of the United States Government; Col. Ward didn't have anything to do with the making of that treaty; now, what did he have to do? A I don't know sir.

Q What did your ancestor have to do within six months after the ratification of that treaty? Tell me or else tell me you don't know.

A I don't know.

Q Well, your mother didn't tell you very much about Col. Ward, did she? A No sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Jim Washington.

Q What relation was Jim Washington to you? A My great grandfather.

Q How much Choctaw blood did he have? A Full blood.

Q Was he a slave at any time? A No sir.

Q How do you know he was Choctaw full blood? A Well, my mother and grandmother told me- said he was.

Q Did she live in Mississippi in 1830? A Yes sir.

Q Did she have a family there then? A Yes sir.

Q How much of a family? A I don't know how much.

Q Well, he had himself and wife? A Yes sir.

Q How many children? A I don't know.

Q How do you know he had any? A 'Cause my grandfather was his child.

Q But he may not have lived in 1830. Did your grandfather live 72 years ago? A I don't know.

Q Is your grandfather living? A No sir.

Q How old would he be if living now? A He would be somewhere near a hundred.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A My great grandfather did.

Q What became of those improvements do you know? A No sir.

Q Who told you your great grandfather did? A My mother.

Q Did she tell you what those improvements consisted of? A No sir.

Q Did any of your Choctaw ancestors own any land in Mississippi or Alabama or claim any in the old Choctaw Nation under article fourteen of the treaty of 1830? A My great grandfather did.

Q Under article fourteen? A Yes sir.

Q Who told you that? A My mother told me.

Q Now, did your mother tell you where that land was that your great-grandfather held in Mississippi which he received under article 14 of the treaty of 1830? A No, sir, she didn't; she didn't tell me exactly where it was.

Q Did you ever see any deed to that land? A No sir.

Q Did you ever see anybody that lived on that land? A No sir, I don't know.

Q If any of your ancestors had land in Mississippi or Alabama, you don't know whether they got it under article fourteen, do you? A Yes sir; I think so; I know; I think so.

Q Well, now your father and mother were both slaves at one time; they could not have held land could they? A No sir.

Q How is it you are descended from full blood Choctaw Indian who held land in Mississippi and then emigrated- but both your parents are slaves? A Well, My mother was stolen from there when she was a child.

Q Who by? A By some white folks.

Q How old was she when she was stolen? A Seven years old.

Q She told you she was stolen, did she? A Yes sir; my grandmother come out there.

Q Were a good many Indians stolen in Mississippi and made slaves? A That what they said.

Q Do you know whether any of your Choctaw ancestors claimed any benefits as Choctaw Indians under any other article of the treaty of 1830 than article fourteen or under the supplement to the treaty? A I don't know sir.

By an act of Congress approved March 3, 1837 and also by one approved August 23, 1842, Commissions were appointed in those years

which went to Mississippi, and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek; these Commissions were appointed because a great many Choctaw Indians claimed they had gone to Col. Ward at the United States agency in Mississippi within six months after the ratification of the treaty of 1830 and attempted to register their names as Choctaw Indians who desired to stay in Mississippi, take land there and become citizens of the United States but that Col. Ward had failed to put their names upon any list or register made by him, and this caused them to lose the lands which they had in the old Choctaw Nation in Mississippi and Alabama- it was taken from them by the Government and sold.

Q Do you know if any of your Choctaw ancestors appeared before either of these Commissions and claimed benefits under article fourteen of that treaty? A No sir.

The Act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, and if it further appeared that he had held land there in Mississippi under the fourteenth article upon which he had improvements but which were taken from him by the Government and sold, that he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana and that certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your Choctaw ancestors get any such scrip from the Government as-- A I don't know.

Q Have you any other evidence you want to introduce now in support of this claim? (No answer).

Q The name of Captain John Washington appears on page 359 Volume 7 American State Papers in a list of land scrip issued under statement exhibiting the amount of military land scrip issued.

Is that the Jim Washington through whom you claim? A I guess so.

Q Do you know it is? A Yes sir.

Q You positively know it is? A Yes sir.

Q How do you know it? Did your mother tell you so? A Yes sir.

Q How do you make that out to be your ancestor; you said Jim Washington, now this is John Washington; how is that? Is John and Jim the same? A I don't know sir; I don't know only what my mother told me; she told me Jim.

Q Well, this is John Washington- is this the same? A I don't know sir.

Q But you said it was. A Yes, it is the same one.

Q Did your mother ever tell you that Jim was called John? A Yes sir.

Q You are just answering yes because you don't want to answer no aren't you? A Well, sir, I am only answering what I have been told.

Q Well, did you ever hear that Jim was sometimes called Captain? A No sir, she didn't tell me that.

Q Well, then can you show that this Captain John was- are you sure that this Captain John Washington was the Jim you claim through?

A Yes sir.

Q Have you any other evidence you want to introduce at this time? (Attorney for applicant asks for time.)

Reasonable time will be allowed this applicant in which to furnish further proof in support of this application.

Q Have you any relatives who have appeared here claiming through the same common ancestor? A No sir.

Q Do you speak Choctaw? A No sir.

This applicant has the appearance and physical characteristics of being descended from negro parentage; she claims one eighth Choctaw blood, but does not show any other blood than that of negro; her parents were both slaves before the war; she claims through her mother, claims that her mother was stolen and made a slave. She has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on March 19, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 2nd day of April, 1902.

Charvatheerood

Notary Public.

E.K.
C. & W.

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

In the matter of the application of Annie M. Harriweather,
et al., for identification as Mississippi Choctaws, M O R 4963.

--- DECISION ---

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Annie M. Harriweather for herself and her four minor children, Minnie Ora McVicker, Willie R. Harriweather, Mattie D. Harriweather and Moses A. Harriweather, under the following provision of the act of Congress approved June 25, 1906, (34 Stat., 496):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of one Jim (or John) Washington, who is alleged to have been a full blood Cheetaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Cheetaw tribal authorities as a member of the Cheetaw tribe, or admitted to Cheetaw citizenship by a duly constituted court or committee of the Cheetaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 521).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jim (or John)

Washington, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Cheetaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 22, 1842, (5 Stat., 512).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Annie M. Merriweather, Minnie Ora McGregor, Willie R. Merriweather, Mattie D. Merriweather, and Moses A. Merriweather as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


C. R. McQuinn
Assistant Commissioner.

Muskogee, Indian Territory,

OCT 17 1902

COPY.

Muskogee, Indian Territory, October 17, 1902.

Annie M. Merriweather,
McGee, Indian Territory.

Dear Madam:

You are hereby advised that on the 17th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Annie M. Merriweather, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Annie M. Merriweather, Minnie Ora McGreger, Willie R. Merriweather, Mattie D. Merriweather, and Moses A. Merriweather as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

Amie M. Morrisundered

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tama Dixby.
Acting Chairman.

Registered.

Muskogee, Indian Territory, October 17, 1902.

A. S. McRea,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 17th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Annie M. Merriweather, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Annie M. Merriweather, Minnie Ora McGregor, Willie R. Merriweather, Mattie D. Merriweather, and Moses A. Merriweather as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

A. E. McNamee

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James E. Smith
Acting Chairman.

Registered.

Muskogee, Indian Territory, October 17, 1902.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Annie M. Merriweather, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Annie M. Merriweather, Minnie Ora McGregor, Willie R. Merriweather, Mattie D. Merriweather, and Moses A. Merriweather as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

N. M. 5 540

You are further advised that the proposed applicant in this case has been allowed fifteen days from the date herein within which to file arguments in this office, and that at the expiration of said time the papers in this case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Acting Chairman.

M.C.R. 4963

COPY.

Muskogee, Indian Territory, November 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Annie M. Merriweather, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 17th, 1902.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tame Birby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

1 enclosure, M.C.R. 4963.

M.C.R. 4963

Muskogee, Indian Territory, February 24, 1903.

A. S. McKee,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 12th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Annie M. Merriweather, et al., of which decision you were advised by registered mail on the 17th day of October, 1902.

Respectfully,

Tamie Dixie
Chairman.

M.C.R. 4963

Maskogee, Indian Territory, February 24, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 12th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Annie M. Merriweather, et al., of which decision you were advised by mail on the 17th day of October, 1902.

Respectfully,

Tamm Dixey.

Chairman.

Land.
67,999-1902.

C O P Y.

Department of the Interior,
Office of Indian Affairs,
Washington, Jan. 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Annie M. Merriweather for the identification of herself, and her four minor children, Minnie Ora McGregor, Willie R. Merriweather, Mattie D. Merriweather and Moses A. Merriweather, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on October 17, 1902.

The testimony in this case shows that the applicants base their claim to identification because of their descent from Jim or John Washington. It is stated that Capt. John Washington, who was a beneficiary under the 19th article of the treaty of 1830, went west in 1832. The applicants claim that their ancestor was a Choctaw Indian and a resident of the Choctaw Nation in Mississippi at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the name of their ancestor through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Jim or John Washington, and it is discovered that the names do not appear among the names of those who completed or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A.C. Tenner,
Acting Commissioner.

(E. B.H.)

P.

D.C. 4575

C O P Y.

RAF.

DEPARTMENT OF THE INTERIOR.

ITD. 1070-1903.

W A S H I N G T O N.

February 12, 1903.

L R S

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

November 3, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Annie M. Merriweather and her minor children, Minnie Ora McGregor, Willie R. Merriweather, Mattie D. Merriweather and Moses A. Merriweather, including your decision of October 17, 1902, adverse to the applicants.

They claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Jim (or John) Washington, who is alleged to have been a full blood Choctaw Indian residing in Mississippi 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Jim Washington, or an ancestor less remote, complied or attempted to comply with article 14 of the said treaty, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat. 513).

Reporting January 27, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

Having carefully reviewed the record, and, finding no reason

-2-
to disturb your decision, the Department hereby affirms the same.

Respectfully,

THOM. RYAN.

1 inclosure:

Acting Secretary

ODP

M.C.R. 4963

Mustache, Indian Territory, February 21, 1903.

Annie M. Marriweather,

Mustache, Indian Territory.

Dear Madam:

You are hereby notified that on the 12th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Annie M. Marriweather, et al., of which decision you were advised by registered mail on the 17th day of October, 1902.

Respectfully,

MAILED

Sam. Bickel
Chairman.

No. 4963

For Identification as a Mississippi Choctaw.

Date

MAR 19 1902

Name Annie M. Merriweather.

Age 36 Blood 1/8

Post Office, Mc Gee. I. T. —

Father: Alfred Bates, d. ^{slam}

Mother: Margaret " ^{slam} l

Claims through mother —
Husband

(2) Mack W. Merriweather, l.

No claim for husband

(1) James McGregor, d. neg.

Children:

Minnie Ora McGregor 19

Willie R. Merriweather 7 8

Mattie W. " 4

Moses A. " 1

Claim for self
and children

Choctaw MCR 4964

Harriet Adkins

MCR 4964

Page.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Harriet Adkins, et al.,
for identification as Mississippi Choctaws, M. C. R. 4964.

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List of papers forwarded to the Secretary of the Interior, compris-
ing the record in the case of Harriet Adkins, et al., M.C.R. 4964.

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Decision of the Commission refusing the ap-
plication of Harriet Adkins, et al., for
identification as Mississippi Choctaws, * - - - - - 2

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 19, 1902.

1954

In the matter of the application of Harriet Adkins for the identification of herself and her eight minor children, John Calvin, Ulysses, Effie R.E., Maggie, Lula, Ed, Mary M. and Lemus Adkins, as Mississippi Choctaws.

A.S. McRea, att'y for applicants.

Harriet Adkins being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Harriet Adkins.
Q What is your age? A Thirty eight.
Q What is your post office address? A McGee, Indian Territory.
Q How long have you lived at McGee? A About six years.
Q Where did you live before that? A Lived down at Lehigh a while then up to McGee.
Q How long have you lived in the Indian Territory? A About twelve or thirteen years.
Q Where were you born? A Tennessee.
Q Where in Tennessee? A In Tippen County.
Q From Tippen you went where? A Back here in the Chickasaw Nation.
Q Came to the Indian Territory? A Yes sir.
Q How long did you live in Tennessee until you left that State?
A I don't know exactly.
Q Give me an idea if you can? A About eighteen years or nineteen.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Richard Pullin.
Q Can you spell that? A Pullin I think.
Q What was your mother's name? A Nealy Pullin.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One eighth.

Q Was your mother ever been recognized as a Choctaw Indian or enrolled as such by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.

Q What race did your father belong to? A Negro race.

Q Was he a slave at any time? A Not as I know of.

Q You don't claim through him, any way, do you? A No sir.

Q What race or races did your mother belong to? A Indian race.

Q What tribe of Indians? A The Choctaws.

Q What other blood did she have beside Choctaw? A Negro and some white.

Q Was she a slave at any time? A No sir, not as I know of.

Q How much negro blood did she have? A I don't know sir; her father I think he said was a mulatto.

Q Can you tell how much negro blood she had? A No sir.

Q How much white blood? A No sir.

Q How much Indian blood she had? A A fourth.

Q How do you know? A 'Cause her mother was full blood and that look like it ought to make her a fourth.

Q Well that would not make her a fourth; I would like to know how you can tell how much Indian blood she had and can't tell how much white or negro blood she had. (No answer.)

Q Can you swear positively that she had a certain quantity of Indian blood? A I suppose so.

Q Then you can tell how much negro blood she had. A Yes sir.

Q Well, how much did she have? A A fourth.

Q And how many quarters Indian? A Half Indian; her mother was a full blood.

Q How much white? A A fourth I suppose; her daddy was a mulatto.

Q Are you married? A Yes sir.

Q Is your husband living? A Yes sir.

Q What is his name? A Ed Adkins.

Q A-d-k-i-n-s? A Yes sir.

Q Is he a negro? A Yes sir.

Q Have you any children that you want to make application for? A Yes sir.

Q You don't make any claim for your husband do you? A No sir.

Q How many children have you under twenty one years of age and unmarried for whom you want to make application? A I have eight.

Q All under twenty one? A Yes sir, the oldest is nineteen.

Q All unmarried? A Yes sir.

Q Give me the name of the oldest child? A John Calvin Adkins.

Q How old is he? A Nineteen.

Q The next? A Ullie- Ul-l-e

Q U-l-y-s-s-e-s? A I reckon you ought to know.

Q Well, is that right? A Yes, that's right.

Q named him after General Grant, didn't you? A Yes, I called him Ulysses Grant.

Q Is this a boy or a girl? A Its a boy.

Q How old is he? A Sixteen.

Q What is the name of your next child? A Effie R.E. Adkins.

Q How old is this child? A She is fourteen.

Q The next? A Maggie Adkins.

Q How old is Maggie? A She is twelve.

Q The next? A Lula Adkins.

Q How old is Lula? A Nine.

Q The next? A Ed Adkins.

Q How old is Ed? A Six.

- Q The next? A Mary M.
 Q How old is Mary M.? A Four.
 Q Any more? A Yes, one more; Lomus Adkins.
 Q How old is Lomus? A Two years.
 Q Any more? A No sir.
 Q You claim for yourself and these children? A Yes sir.
 Q Is Ed Adkins the father of these children? A Yes sir.
 Q And you are the mother? A Yes sir.
 Q They all live with you at your home? A Yes sir.
 Q Was your husband ever married before- A No sir.
 Q Were you ever married before- A No sir.
 Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the tribal authorities of the Choctaw Nation in the Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
 Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
 Q Do you now come before the Commission to be identified and for the identification of your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
 Q Do you understand that article of that treaty? A No sir.

The treaty of 1830 was made between the United States Government and the Choctaw Indians who lived in the old Choctaw Nation which was partly in Mississippi and partly in Alabama on the 27th day of September, 1830. That is the date of the signature of this treaty, but before it was signed it became known that a great many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Choctaws who stayed back there in the old Choctaw Nation some provision had to be put into the treaty and it was called article fourteen;- an article of a treaty is a subdivision or part of it. This article was put into the treaty for the special benefit of those who stayed. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States ~~tax~~ shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that now? A Yes sir.
 Q Did any of your Choctaw ancestors claim under that article or

- comply with its provisions in any manner? A Yes sir.
- Q What ancestor of yours did comply with this article? A My great grandmother.
- Q What was the name? A Rachel Pickens.
- Q R-a-c-h-e-l- P-i-c-k-e-n-s? A Yes sir.
- Q How much Choctaw blood did she have? A She was a full blood.
- Q Did she live in Mississippi in 1830 and have a family there then? A Yes sir.
- Q How do you know? A My mother said she did.
- Q How old would Rachel Pickens be if living now? A Something about a hundred I guess.
- Q You claim through your mother, do you? A Yes sir.
- Q How old would she be if living now? A About fifty four or fifty three.
- Q Where was she born? A On the line of Mississippi and Tennessee; on the Mississippi River.
- Q She never lived in the State of Mississippi, did she? A No sir; my mother didn't.
- Q She claimed through which parent? A Her mother.
- Q What was her mother's name? A Mary Pickens.
- Q Did she live in Mississippi at any time? A Yes sir.
- Q When and where did she live in Mississippi? A I don't know exactly where.
- Q How do you know she lived in Mississippi? A I heard my mother say so.
- Q Mary Pickens was your grandmother? A Yes sir.
- Q She claimed her Choctaw blood through whom? A Through her mother
- Q What was her mother's name? A Rachel Pickens.
- Q Did she live in Mississippi? A Yes sir.
- Q How do you know? A My mother said she did.
- Q Now, did Mary Pickens live in Mississippi in 1830 and have a family there then? A Well, I don't know sir, whether she did or not; but my great grandmother Rachel did- my mother told me that.
- Q Your mother knew all about Col. Ward, did she? A I don't know sir.
- Q Did you ever hear about Col. Ward yourself? A No sir.
- Q Did not you ever hear the name Col. Wm. Ward? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Yes sir.
- Q How do you know? A My mother said she did.
- Q Well, who owned improvements on land in Mississippi or Alabama in 1830? A My great grandmother.
- Q Where was it located? A I never heard her say.
- Q What did the improvements consist of? A I don't know sir.
- Q Do you know what an improvement is? A Yes, I reckon its Farms or buildings on it.
- Q What is an improvement on a farm? A Cultivating a farm.
- Q What's a fence? A That's an improvement.
- Q What's a barn? A That's an improvement.
- Q Did your mother tell you that Rachel Pickens owned improvements on land in Mississippi in 1830- 72 years ago? A Yes sir.
- Q Didn't tell you where it was located? A No sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to remain in Mississippi, take land there and become citizens of the United States? A Yes sir.
- Q Who told you all that? A My mother.
- Q She told you all about Col. Ward did she? A I don't know whether she told me all about it.
- Q Did she tell you anything about Col. Ward? A Yes sir.

Q Answer the question; now, tell me what she told you? A She said that that was her home and they had lands there; her great grandmother was there.

Q Now, listen to this question if you have sense enough to understand it. Did your mother or anyone tell you that any of your Choctaw ancestors went to Col. Ward, the United States Indian agent of the Choctaw Indians in Mississippi, within six months after the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A Yes, I suppose so.

Q Do you understand the question? A Yes sir.

Q You don't understand one half of that question; now, then, who was Col. Ward? A He was a Commissioner I suppose.

Q He wasn't a Commissioner; I have told you he was the United States Indian agent. Do you know what the treaty of 1830 is? A No sir.

Q Do you know what the ratification of a treaty means? A No sir, I don't.

Q You don't know what the word ratification means? A No sir.

Q Why do you say "yes" in answer to my question when you don't understand the question? A I did understand it but I don't understand it now. If I study on it a while I can tell.

Q What does the word "ancestor" mean, do you know? A Yes sir, parents, my mother.

Q Does it mean anybody else? A No sir, my parents' folks.

Q Who are your parents folks? Their parents? A Yes sir.

Q Did your mother tell you all about the treaty of 1830 and all about Col. Ward and all about the ratification of that treaty and how it was necessary under article fourteen to go to the United States Indian agent within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? Did she tell you all that? A No sir.

Q Why did you say she did then? A I misunderstood you a while ago. I try to understand these questions; if there is anything you don't understand, say so. Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838? A I don't know sir.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A Yes sir.

Q How do you know that? A My grandmother told me they did.

Q Did your grandmother tell you? -- A No sir, my- I meant to say my mother.

Q What did your mother tell you about any of your ancestors owning land in Mississippi which they claimed under article fourteen of the treaty of 1830? A She didn't say anything more than just telling about her home back there in Mississippi.

Q Did she tell you about article fourteen of the treaty of 1830? A No sir.

Q You never heard of that article till today, did you? A No-Yes, I have heard of it.

Q When? Who told you about it? Your mother? A Yes sir.

Q Did she tell you all about the treaty of 1830 and article fourteen of that treaty? A No sir; she didn't tell me all about it.

Q Did she tell you anything about it? A No sir.

Q Then why do you say she did? A --

Q Did you ever hear that any of your Choctaw ancestors claimed any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A No sir.

Q You don't know what a supplement is, do you? A No sir.

Q Why do you say no? A What am I going to say?

Q Well, that's for you to say; you are under oath to tell the truth--- A Yes sir.

The Choctaw Indians who remained in Mississippi after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen to go to the United States Indian agent and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States and not come to the Indian Territory; a good many Choctaw Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register; his failure to make a proper and complete record or register of those who came before him within six months caused a good many to lose both the lands they had in Mississippi and the improvements thereon, for they were both taken from them by the Government of the United States and sold at Public Land Sale. This caused a good many complaints among the Indians so that in 1837 by an act of Congress approved March 3, 1837 a Commission was appointed which went to Mississippi, heard claimants under article fourteen and made a list of their names; in 1842 another Commission was appointed by Congress under Act approved August 23, that year, and this Commission also went to Mississippi, heard claimants under article fourteen of the treaty and made lists of their names.

Q Did any of your Choctaw ancestors--- now understand this question; if you don't answer it correctly we will try to find out--- did any of your Choctaw ancestors go before either these Commissions and claim benefits under article fourteen? A No sir.

Q How do you know? You said "no" that time. Do you know what is meant by the Commission appointed in 1837 and that of 1842? A I don't know sir.

Q What makes you try to answer the question if you don't understand it, if you don't know it? A (No answer).

Q This is the Dawes Commission you are before now. A I understand that.

Q Well, this Commission that was appointed by Congress in 1837 was just the same as this Commission which was appointed by Congress, and that Commission was appointed in 1837 and heard claimants who claimed benefits under article fourteen of the treaty of 1830; understand that? A Yes sir.

Q And the Commission that was appointed in 1842 was also appointed for the same purpose; you understand that? A Yes sir.

Q Do you know whether any of your ancestors appeared before either of these Commissions claiming benefits under article fourteen of that treaty? A No sir.

Q Did your mother tell you that they didn't? A No sir.

Q Did anybody tell you? A No sir.

Q How do you know that they didn't? Do you know? A No sir.

Q Did any of your Choctaw ancestors receive any scrip from the Government of the United States as Choctaw Indians which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of land which they had formerly held in Mississippi and which the Government had taken from them and sold? Did you hear the question? A I don't know sir; yes, I heard the question.

Q What is your answer to the question? A I said yes.

- Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana--- now listen to me-- to take the place of land which they had formerly held in Mississippi and which the Government had taken from them and sold? A Yes sir.
- Q They did get scrip? A I suppose so.
- Q How do you know? A----
- Q Did your mother tell you? A She said they ought to have land there.
- Q Did your mother tell you they did get scrip to land there?
- A Yes sir.
- Q Are you sure about that? A Yes sir.
- Q Your mother told you about this act of Congress approved August 23, 1842? A No sir, not all about it; all I knows about is through my mother.
- Q Do you know anything about it? A A You mean do I understand it?
- No sir, I don't understand it.
- Q Do you know what scrip means? A No sir.
- Q Is it money? A Its money I guess or something as good as money.
- Q Well it does not mean money at all; it is a certificate which entitled the holder to select land in place of the land they had lost in Mississippi--well, why don't you admit you don't know anything about it? A I thought I said I didn't know.
- Q Well, a while ago you said they did get scrip. A I might have but I didn't mean to.
- Q You take that back now? A Yes sir.
- Q When you aimed to say it, you didn't mean to? A No sir.
- Q Is there anything more you want to say about this case? A No sir.
- Q Have you any further proof you want to introduce now? A No sir.
- Q What time to introduce further proof in support of this case?
- A Yes sir.

Fifteen days time is allowed this applicant in which to do so.

- Q Have you any relatives who have appeared here to be identified as Mississippi Choctaws? A No sir.
- Q Is Annie M. Merriweather any relation to you? A No sir.
- Q You have no relatives who have appeared here? A No sir.

(Attorney for applicant says that he would like to look up and see if the name of her great grandmother is on the list.)

This applicant has the appearance and physical characteristics of being full blood negro; she doesn't show one trace of Choctaw blood, and in the opinion of the Commission she hasn't a trace of Choctaw blood: she either has wilfully misstated facts in her testimony or is so lacking in mental power and ability that she does not know what she is testifying to. In the opinion of the Commission no reliance is to be placed in her testimony.

- Q Do you speak the Choctaw language? A No sir.

So does not speak the Choctaw language and has no knowledge of the compliance on the part of any of her ancestors with any of the provisions of article fourteen of the treaty of Dancing Rabbit

Creek.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings in the above entitled cause on March 19, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 2nd. day of April, 1902.

Clara Mitchell Wood

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., May 11th, 1903.

N C R 4964

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In the matter of the Mississippi Choctaw case of Harriet Adkins, et al.

Now on this 11th day of May, 1903, comes A. S. McRea, attorney for the applicants in the above entitled cause, and files his motion for a continuance therein for sixty days from this date, and, after consideration of said motion, it is the opinion of the Commission that the same should be granted and it is so ordered; and further, that said attorney for the applicants be advised of the action of the Commission and that the applicants be allowed until Saturday, July 11, 1903, to introduce further testimony in support of the above entitled cause.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Harriet Adkins, et al., plaintiffs

Against

Choctaw Nation of Indians, defendants

} Motion for continuance.

Comes now the plaintiff in the above styled cause through her Attorney and states that at the time and up till now when she received notice from the Commission that by order of the Secretary of the Interior she was required and would be given until May 11th, 1903, in which to introduce further testimony in behalf of the application for identification as a Mississippi Choctaw, was confined in childbirth which prevented her from complying with said instructions and is unable at this time to apply in person before the Commission nor to introduce the required testimony. Wherefore she asks that she be granted Sixty days from date in which to introduce further evidence in her said behalf.

A. S. McRea,

Attorney Plaintiff.

J. W. L.
C. W. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Harriet Adkins, et al.,
for identification as Mississippi Choctaws, M. O. R. 4964.

D E C I S I O N -----

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Harriet Adkins for herself and her eight minor children, John Calvin, Myrona Grant, Effie R. E., Maggie, Lula, Ed, Mary M., and Louisa Adkins, under the following provision of the act of Congress approved June 22, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Rachel Dickens, who is alleged to have been a full blood

Cheetaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Cheetaw tribal authorities as a member of the Cheetaw tribe, or admitted to cheetaw citizenship by a duly constituted court or committee of the Cheetaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1898 (30 Stats., 321).

It appears from the records in the possession of the Commission that Rachel Pickens received scrip as a beneficiary under article fourteen of the treaty of "Dancing Rabbit Creek." The name Rachel Pickens also appears on page 403, Volume I, of the Claimants brief and evidence, in the case (No. 12,742), of the Cheetaw Nation vs. United States, in "A tabular statement of cases arising under the fourteenth article of the treaty of 'Dancing Rabbit Creek', adjudicated by the board of Commissioners constituted by the Act of Congress of 23rd August, 1842, but there is nothing in the testimony of the applicants which would tend to show that the Rachel Pickens referred to in either of the above records is the identical Rachel Pickens through whom they claim.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were

claimants thereunder, that the said Rachel Pickens through whom these applicants claim, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 160) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Harriet Adkins, John Calvin Adkins, Ulysses Grant Adkins, Effie M. E. Adkins, Maggie Adkins, Eula Adkins, Ed Adkins, Mary E. Adkins and Lemus Adkins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Tamc Pixby
Acting Chairman

T. D. Neelands
Commissioner

C. F. Erickson
Commissioner

Muskogee, Indian Territory

DEC 20 1902

COPY.

Muskogee, Indian Territory, December 30, 1902.

Hansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 20th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Harriet Adkins, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Harriet Adkins, John Calvin Adkins, Ulysses Grant Adkins, Effie R. E. Adkins, Maggie Adkins, Lula Adkins, Ed Adkins, Mary M. Adkins and Louis Adkins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles

Commissioner in charge.

H.C.R. 4964.

COPY

Muskogee, Indian Territory, December 20, 1902.

Harriet Adkins.

McGee, Indian Territory.

Dear Madam:

You are hereby advised that on the 20th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Harriet Adkins, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Harriet Adkins, John Calvin Adkins, Ulysses Grant Adkins, Effie R. E. Adkins, Maggie Adkins, Lula Adkins, Ed Adkins, Mary M. Adkins and Lomus Adkins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

Harriet Adkins, ---2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in charge.

Registered.

COPY.

Muskogee, Indian Territory, December 30, 1902.

A. S. McRae,

Attorney at law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 30th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Harriet Adkins, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Harriet Adkins, John Calvin Adkins, Ulysses Grant Adkins, Effie R. E. Adkins, Maggie Adkins, Lula Adkins, Ed Adkins, Mary M. Adkins and Loma Adkins as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

A. S. MARRAS, --2

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

T. B. Needles.
Commissioner in charge.

Registered.

Muskogee, Indian Territory, January 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Harriet Adkins, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 20, 1903.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Thomas F. Smith
Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 4964

M C R 4964

Muskogee, Indian Territory, January 28, 1903.

Harriet Adkins,

McGee, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 17th inst., relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You state that the letter of the Commission notifying you of this decision was not received until too late for you to file arguments in your case.

In reply you are informed that the fifteen days from December 20, 1902, heretofore granted in which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, expired on January 4, 1903; on January 8, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior.

You will be notified of such action as may be taken by him.

Respectfully,

Acting Chairman.

Refer in reply
to the follow-
ing: Land
1710-1903

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, March 17, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Harriet Adkins for the identification of herself and her eight minor children, John Calvin, Ulysses Grant, Effie R.E., Maggie, Lula, Ed, Mary M., and Loma Adkins as Mississippi Choctaws.

On December 20, 1902, the Commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaw Indians entitled to rights in the land of the Choctaw Nation, under the article of the treaty of 1830.

An examination of the record evidence shows that the principal applicant, Harriet Adkins, claims to have inherited her Choctaw blood from her mother, Bealy Pullin and her great-grand mother, Rachel Pickens, whom she claims was a full-blood Choctaw and owned improvements on land in Mississippi. In said decision the Commission says it appears from the records in its possession

that Rachel Pickens received scrip as a beneficiary under Article 14 of the treaty. That the name Rachel Pickens also appears on page 403, volume 1 of the claimant's brief and evidence in the case (No. 12,742) of the Choctaw Nation vs. United States in a tabular statement of cases arising under the 14th article of the treaty of Dancing Rabbit Creek, adjudicated by the board of Commissioners constituted by the Act of Congress of 23d August, 1842, but that there is nothing in the testimony of the applicants which would tend to show that the Rachel Pickens referred to in either of the above records, is the identical Rachel Pickens through whom they claim.

In addition to the foregoing the office finds on page 291 of Volume 101 "Journal of Proceedings of Commissioners, Claiborn & Graves in the adjudication of Choctaw Claims," the following statement relative to Rachel Pickens.

CASE 255.

Rachel Pickens (dead) represented by James Pickens as the next friend of heirs, &c, 5 ft 10 3/4 in. high says she is fifty-six.

His statement of the case sworn to and filed.

I, Witness Sockatubbee, being first sworn, says that the man in court is named Jim Pickens, and is cousin to witness, and that said Pickens is representing the claim of Rachel Pickens. That said Rachel died about two years ago, witness knew her well - she was a half-breed and was married at date of treaty of Dancing Rabbit to James Pickens. That she was then living to herself, tho' married - in a separate house - about three hundred yards from her husband's own dwelling - and had so lived for about a year before the treaty. She lived permanently at this house as her own residence. Her husband, James Pickens had at date of treaty another wife named Chahoya, who occupied the same house with her husband Jim.

Rachel at date of treaty was considered as the head of a family. She had then living with her and unmarried, the following children, viz:-

1. Davis - young man present.
2. Mahala - young lady present.

3. Hannah - female, died two or three years after the treaty, left no children.

They were all under ten years of age at date of treaty. The dec'd had no other children at date of treaty, but has had born since the following: viz:-

1. Rice-at-home
2. Jose-at-home
3. Benjamin-at home

The dec'd. at date of treaty, had a separate house and field of her own.

She then lived about mile east of Hopahka, on the Robinson Road - belonged to Dickens Company & Leflores District. Her land was tolerably fair land, used spring water. Her husband was her nearest neighbor. She worked for her support, her husband would help her, - she ate to herself and had everything to herself. She remained on this place until her death, never went west or left the Ceded Country. Her place is still vacant that it is embraced in the reserve of her husb'd James Dickens.

Witness does not know whether claimant ever signified her intention to remain in the country and take lands under the five years stay, of his own knowledge - all he knows is what James Dickens her husband told him.

Se was at the annuity at Leflores, took no part of it. She obtained no other land under any other article of treaty as witness knows or believes, and never sold it or made any contract to sell it or scrip as witness knows or believes. See depo. of Cobb & Dickens (in above case) this day filed.

This statement shows that Rachel Dickens was a half breed Choctaw and had two daughters at the date of the treaty - Mahala, a young lady and Hannah (age not given) who died two or three years after treaty, without issue, and that her children Rice, Jose and Benjamin were born after the treaty. It does not appear whether her husband James Dickens, was a Choctaw or not.

The principal applicant claims that her mother was a Mary Dickens, but it does not appear from said statement that the Rachel

Pickens therein mentioned had a child by that name.

The fact that this applicant was 38 years old in 1902 and that her mother, Nealy Pullin would be about 54 years old if living, shows that said Rachel Pickens could have been the great-grand-mother of this applicant; especially through the said daughter Mahala. The office cannot agree with the finding of the Commission that "there is nothing in the testimony of the applicants which would tend to show that the Rachel Pickens referred to in either of the above records is the identical Rachel Pickens through whom they claim," for the office considers that the evidence does tend to establish that fact. The principal applicant says her grand-mother was Rachel Pickens - that she was a full blood Choctaw Indian - that she owned improvements on land in Mississippi - all of which she had learned from her mother.

This testimony taken in connection with the record tends to show that this applicant is a descendant of the Rachel Pickens therein mentioned. There is of course much discrepancy between the testimony and the record, but if the applicant is half as ignorant as the examination of the Commission indicates, this is to be expected, but the fact remains that taken as a whole, the testimony and record show that the claim of the applicant has sufficient foundation for close investigation.

The office desires to call the Department's attention to the examination of the principal applicant by the Commission, when she was before it as a witness.

The following appears on pages 5 and 6 of the record:

Q Answer the question; now tell me what she told you? A She said that that was her home and they had lands there; her great-grand-mother was there.

Q Now, listen to this question if you have sense enough to understand it. Did your mother or anyone tell you that any of your Choctaw ancestors went to Col. Ward, the United States Ind. Agent of the Choctaw Indians in Mississippi, within six months after the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States?

A Yes, I suppose so.

Q Do you understand the question? A Yes sir.

Q You don't understand one half of that question; now, then, who was Col. Ward? A He was a Commissioner I suppose.

Q He wasn't a Commissioner; I have told you he was the United States Indian Agent. Do you know what the treaty of 1830 is?

A No sir.

Q Do you know what the ratification of a treaty means? A No sir, I don't.

Q You don't know what the word ratification means? A No sir.

Q Why do you say "yes" in answer to my question when you don't understand the question? A I did understand it but I don't understand it now. If I study on it a while I can tell.

Q What does the word "ancestor" mean, do you know? A Yes sir, parents, my mother.

Q Does it mean anybody else? A No sir, my parents' folks.

Q Who are your parents folks? Their parents? A Yes sir.

Q Did your mother tell you all about the treaty of 1830 and all about Col. Ward and all about the ratification of that treaty and how it was necessary under article fourteen to go to the United States Indian Agent within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? Did she tell you all that? A No sir.

Q Why did you say she did then? A I misunderstood you a while ago.

Q Try to understand these questions; if there is anything you don't understand, say so. Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Ind. Ter. with the other Indians between 1833 and 1838? A I don't know sir.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830?

A Yes sir.

Q How do you know that? A My grandmother told me they did.

Q Did your grandmother tell you? A No sir, my - I meant to say my mother

Q What did your mother tell you about any of your ancestors owning land in Mississippi which they claimed under article fourteen of the treaty of 1830? A She didn't say anything more than just telling about her home back there in Mississippi.

Q Did she tell you about article fourteen of the treaty of 1830?

A No sir.

Q You never heard of that article till today, did you? A No - Yes, I have heard of it.

Q When? Who told you about it? Your mother? A Yes sir.

Q Did she tell you all about the treaty of 1830 and article fourteen of that treaty? A No sir, she didn't tell me all about it.

Q Did she tell you anything about it? A No sir.

Q Then why do say she did? A --

Q Did you ever hear that any of your Choctaw ancestors claimed any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A No sir.

Q You don't know what a supplement is, do you? A No sir.

Q Why do you say no? A What am I going to say.

Q Well, that's for you to say; you are under oath to tell the truth -- A Yes sir.

.....

Q Did any of your Choctaw ancestors - now understand this question; if you don't answer it correctly we will try to find out - did any of your Choctaw ancestors go before either these Commissions and claim benefits under article fourteen? A No sir.

Q How do you know? You said "no" that time. Do you know what is meant by the Commission appointed in 1837 and that of 1842?

A I don't know sir.

Q What makes you try to answer the question if you don't understand it, if you don't know it? A (No answer)

Q This is the Dawes Commission you are before now. A I understand that.

The office submits that such an examination is not productive of good results.

It is facts that should be sought and not an exploitation of knowledge. It makes no difference whether this witness knew the meaning of "ratification" and "ancestor" or not. It is presumed such applicants do not know the technical legal meaning

of these terms. Witnesses of this class should be encouraged to tell what they know rather than being dominated and threatened, and statements extorted from them under such conditions. It is also immaterial whether this witness knows anything about the treaty of 1830 or understands the 14th Article thereof, for it is the province of the Commission to determine whether that article has been complied with or not, and all the witness should be expected to do is to testify to such facts, if within his or her knowledge, as will enable the Commission to so determine.

By reason of the premises the office considers that this case should be returned to the Commission for further hearing before its final determination and so recommends to the Department.

Very respectfully,

(signed) A. C. TOWNER,
Acting Commissioner.

W.C.B.
L.

(Copy)

D.C.9617-1903
I.T.D.2968-1903

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LRS

DEPARTMENT OF THE INTERIOR,

WASHINGTON, April 2, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 5, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Harriet Adkins (M C R 4964), for herself and her eight minor children, John Calvin, Ulysses Grant, Effie R.E., Maggie, Lula, Ed, Mary M., and Lomus Adkins, including your decision of December 20, 1902, denying their applications.

From the statements of the principal applicant it appears that she was born about the year 1864 in Tippen County, Tennessee, and that her quantum of Choctaw blood is one-eighth. It seems that her father, Richard Pullim, was of African descent, but the record does not show that he was ever a slave. The mother of Harriet Adkins, Neely Pullim, who was born in 1848 near the line between Tennessee and Mississippi on the Mississippi River, was a quarter blood Choctaw. She was also of African and white descent. The said Neely Pullim obtained her Choctaw blood from her mother, Mary Pickens. The latter was the daughter of one Rachel Pickens

who, it is claimed, was the head of a family in Mississippi in 1830, and that she owned land with improvements thereon at that time.

Reporting in the matter March 17, 1903, the Acting Commissioner of Indian Affairs furnished certain information from the records of the government in his possession, relative to a person named Rachel Pickens who attempted to comply with the provisions of article 14 of the treaty of September 27, 1830, and recommended that this case be remanded to you with instructions that the applicants be allowed additional time in which to furnish additional testimony showing that the ancestor of that name from whom they claim descent, was identical in person with the Rachel Pickens whose name appears on said records.

The Department concurs in said recommendation, and you are directed to allow the applicant thirty days, and such extension thereof as may be reasonable and necessary, within which to furnish the required testimony.

In so informing them, you are requested to advise them that applicants seeking identification as Mississippi Choctaws must show that they or some one of their ancestors complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

It is also desired that you furnish the applicant with a copy of your rules for taking testimony, and inform her that the required testimony may be presented by witnesses appearing in person before you, or in the form of depositions taken in accordance with said rules, or of affidavits properly executed.

You will also inform said party that the records of the government show that there was a person named Rachel Pickens who attempted to comply with the provisions of said article, and that, in those cases where names so appear, said records usually contain certain information as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence (usually locating the same by reference to some town, county, body of water or public road):

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates; and that, for purposes of comparison, testimony of like character should be furnished relative to the applicant's ancestor, in order that the Department may determine whether she was identical in person with the party whose name appears on said records.

Your attention is directed to the suggestion of the Acting Commissioner relative to the methods pursued by you in examining

--4--
witnesses. The Department desires and believes that in the examination of witnesses who may appear before you at the rehearing in this case, you will afford them all assistance and encouragement that may be reasonable and proper, to enable them to make a full showing in reference to the facts upon which their claims depend.

The case is remanded for appropriate action in accordance with the suggestions herein contained. The record is returned, together with a copy of the Acting Commissioner of Indian Affairs' letter submitting the case.

Respectfully,

(signed) Thos. Ryan,
Acting Secretary.

2 inclosures.

Refer in reply
to the follow-
ing: Land
1710-1903

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

(Copy)

WASHINGTON, March 17, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Harriet Adkins for the identification of herself and her eight minor children, John Calvin, Ulysses Grant, Effie R.E., Maggie, Lula, Ed, Mary M., and Lemus Adkins as Mississippi Choctaws.

On December 20, 1902, the Commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaw Indians entitled to rights in the land of the Choctaw Nation, under the ^{14th} article of the treaty of 1830.

An examination of the record evidence shows that the principal applicant, Harriet Adkins, claims to have inherited her Choctaw blood from her mother, Nealy Pullim and her great-grand mother, Rachel Fickens, whom she claims was a full-blood Choctaw and owned improvements on land in Mississippi. In said decision the Commission says it appears from the records in its possession

that Rachel Pickens received scrip as a beneficiary under Article 14 of the treaty. That the name Rachel Pickens also appears on page 403, volume 1 of the claimant's brief and evidence in the case (No. 12,742) of the Choctaw Nation vs. United States in a tabular statement of cases arising under the 14th article of the treaty of Dancing Rabbit Creek, adjudicated by the board of Commissioners constituted by the Act of Congress of 23d August, 1842, but that there is nothing in the testimony of the applicants which would tend to show that the Rachel Pickens referred to in either of the above records, is the identical Rachel Pickens through whom they claim.

In addition to the foregoing the office finds on page 291 of Volume 101 "Journal of Proceedings of Commissioners, Claiborn & Graves in the adjudication of Choctaw Claims," the following statement relative to Rachel Pickens.

CASE 253.

Rachel Pickens (dead) represented by James Pickens as the next friend of heirs, &c, 5 ft 10 3/4 in. high says he is fifty-six.

His statement of the case sworn to and filed.

I, Witness Sockatubbee, being first sworn, says that the man in court is named Jim Pickens, and is cousin to witness, and that said Pickens is representing the claim of Rachel Pickens. That said Rachel died about two years ago, witness knew her well - she was a half-breed and was married at date of treaty of Dancing Rabbit to James Pickens. That she was then living to herself, tho' married - in a separate house - about three hundred yards from her husband's own dwelling - and had so lived for about a year before the treaty. She lived permanently at this house as her own residence. Her husband, James Pickens had at date of treaty another wife named Chehoya, who occupied the same house with her husband Jim.

Rachel at date of treaty was considered as the head of a family. She had then living with her and unmarried, the following children, viz:-

1. Davis - young man present.
2. Mahala - young lady present.
3. Hannah - female, died two or three years after the treaty,

left no children.

They were all under ten years of age at date of treaty. The dec'd had no other children at date of treaty, but has had born since the following: viz:-

1. Nice-at-home
2. Jose-at-home
3. Benjamin-at home

The decd. at date of treaty, had a separate house and field of her own.

She then lived about mile east of Hopahka, on the Robinson Road - belonged to Dickens Company & Lefflores District. Her land was tolerably fair land, used spring water. Her husband was her nearest neighbor. She worked for her support, her husband would help her, - she are to herself and had everything to herself. She remained on this place until her death, never went west or left the Ceded Country. Her place is still vacant that it is embraced in the reserve of her husb'd James Dickens.

Witness does not know whether claimant ever signified her intention to remain in the country and take lands under the five years stay, of his own knowledge - all he knows is what James Dickens her husband told him.

So was at the annuity at Lefflores, took no part of it. She obtained no other land under any other article of treaty as witness knows or believes, and never sold it or made any contract to sell it or scrip as witness knows or believes. See depo. of Cobb & Dickens (in above case) this day filed.

This statement shows that Rachel Dickens was a half breed Choctaw and had two daughters at the date of the treaty - Mahala, a young lady and Hannah (age not given) who died two or three years after treaty, without issue, and that her children Nice, Jose and Benjamin were born after the treaty. It does not appear whether her husband James Dickens, was a Choctaw or not.

The principal applicant claims that her mother was a Mary Dickens, but it does not appear from said statement that the Rachel

Pickens therein mentioned had a child by that name.

The fact that this applicant was 38 years old in 1902 and that her mother, Nealy Pullim would be about 54 years old if living, shows that said Rachel Pickens could have been the great-grand-mother of this applicant; especially through the said daughter Mahala. The office cannot agree with the finding of the Commission that "there is nothing in the testimony of the applicants which would tend to show that the Rachel Pickens referred to in either of the above records is the identical Rachel Pickens through whom they claim," for the office considers that the evidence does tend to establish that fact. The principal applicant says her grand-mother was Rachel Pickens - that she was a full blood Choctaw Indian - that she owned improvements on land in Mississippi - all of which she had learned from her mother.

This testimony taken in connection with the record tends to show that this applicant is a descendant of the Rachel Pickens therein mentioned. There is of course much discrepancy between the testimony and the record, but if the applicant is half as ignorant as the examination of the Commission indicates, this is to be expected, but the fact remains that taken as a whole, the testimony and record show that the claim of the applicant has sufficient foundation for close investigation.

The office desires to call the Department's attention to the examination of the principal applicant by the Commission, when she was before it as a witness.

The following appears on pages 5 and 6 of the record:

Q Answer the question; now tell me what she told you? A She said that that was her home and they had lands there; her great-grand-mother was there.

Q Now, listen to this question if you have sense enough to understand it. Did your mother or anyone tell you that any of your Choctaw ancestors went to Col. Ward, the United States Ind. Agent of the Choctaw Indians in Mississippi, within six months after the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States?

A Yes, I suppose so.

Q Do you understand the question? A Yes sir.

Q You don't understand one half of that question; now, then, who was Col. Ward? A He was a Commissioner I suppose.

Q He wasn't a Commissioner; I have told you he was the United States Indian Agent. Do you know what the treaty of 1830 is?

A No sir.

Q Do you know what the ratification of a treaty means? A No sir, I don't.

Q You don't know what the word ratification means? A No sir.

Q Why do you say "yes" in answer to my question when you don't understand the question? A I did understand it but I don't understand it now. If I study on it a while I can tell.

Q What does the word "ancestor" mean, do you know? A Yes sir, parents, my mother.

Q Does it mean anybody else? A No sir, my parents' folks.

Q Who are your parents folks? Their parents? A Yes sir.

Q Did your mother tell you all about the treaty of 1830 and all about Col. Ward and all about the ratification of that treaty and how it was necessary under article fourteen to go to the United States Indian Agent within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? Did she tell you all that? A No sir.

Q Why did you say she did then? A I misunderstood you a while ago.

Q Try to understand these questions; if there is anything you don't understand, say so. Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Ind. Ter. with the other Indians between 1833 and 1838? A I don't know sir.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830?

A Yes sir.

Q How do you know that? A My grandmother told me they did.

Q Did your grandmother tell you? A No sir, my - I meant to say my mother

Q What did your mother tell you about any of your ancestors owning land in Mississippi which they claimed under article fourteen of the treaty of 1830? A She didn't say anything more than just telling about her home back there in Mississippi.

Q Did she tell you about article fourteen of the treaty of 1830?

A No sir.

Q You never heard of that article till today, did you? A No - Yes, I have heard of it.

Q When? Who told you about it? Your mother? A Yes sir.

Q Did she tell you all about the treaty of 1830 and article fourteen of that treaty? A No sir, she didn't tell me all about it.

Q Did she tell you anything about it? A No sir.

Q Then why do say she did? A --

Q Did you ever hear that any of your Choctaw ancestors claimed any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A No sir.

Q You don't know what a supplement is, do you? A No sir.

Q Why do you say no? A What am I going to say.

Q Well, that's for you to say; you are under oath to tell the truth -- A Yes sir.

.....

Q Did any of your Choctaw ancestors - now understand this question; if you don't answer it correctly we will try to find out - did any of your Choctaw ancestors go before either these Commissions and claim benefits under article fourteen? A No sir.

Q How do you know? You said "no" that time. Do you know what is meant by the Commission appointed in 1837 and that of 1842?

A I don't know sir.

Q What makes you try to answer the question if you don't understand it, if you don't know it? A (No answer)

Q This is the Dawes Commission you are before now. A I understand that.

The office submits that such an examination is not productive of good results.

It is facts that should be sought and not an exploitation of knowledge. It makes no difference whether this witness knew the meaning of "ratification" and "ancestor" or not. It is presumed such applicants do not know the technical legal meaning

of these terms. Witnesses of this class should be encouraged to tell what they know rather than being dominated and threatened, and statements extorted from them under such conditions. It is also immaterial whether this witness knows anything about the treaty of 1830 or understands the 14th Article thereof, for it is the province of the Commission to determine whether that article has been complied with or not, and all the witness should be expected to do is to testify to such facts, if within his or her knowledge, as will enable the Commission to so determine.

By reason of the premises the office considers that this case should be returned to the Commission for further hearing before its final determination and so recommends to the Department.

Very respectfully,

(signed) A. C. TOLNER,
Acting Commissioner.

H. O. B.

L.

(Copy)

D.C. 9617-1903.

J.V.H.

DEPARTMENT OF THE INTERIOR. THE
I.T.D. 2968-1903. WASHINGTON. April 8, 1903.

L R S

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

January 5, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Harriet Adkins (M C R 4964), for herself and her eight minor children, John Calvin, Ulysses Grant, Effie R., E., Maggie, Lula, Ed, Mary M., and Lomus Adkins, including your decision of December 20, 1902, denying their applications.

From the statements of the principal applicant it appears that she was born about the year 1864 in Tippen County, Tennessee, and that her quantum of Choctaw blood is one-eighth. It seems that her father, Richard Pullim, was of African descent, but the record does not show that he was ever a slave. The mother of Harriet Adkins, Neely Pullim, who was born in 1848 near the line between Tennessee and Mississippi on the Mississippi River, was a quarter blood Choctaw. She was also of African and white descent. The said Neely Pullim

obtained her Choctaw blood from her mother, Mary Pickens. The latter was the daughter of one Rachel Pickens, who it is claimed, was the head of a family in Mississippi in 1830, and that she owned land with improvements thereon at that time.

Reporting in the matter March 17, 1903, the Acting Commissioner of Indian Affairs furnished certain information from the records of the government in his possession, relative to a person named Rachel Pickens who attempted to comply with the provisions of article 14 of the treaty of September 27, 1830, and recommended that this case be remanded to you with instructions that the applicants be allowed additional time in which to furnish additional testimony showing that the ancestor of that name from whom they claim descent, was identical in person with the Rachel Pickens whose name appears on said records.

The Department concurs in said recommendation, and you are directed to allow the applicants thirty days, and such extension thereof as may be reasonable and necessary, within which to furnish the required testimony.

In so informing them, you are requested to advise them that applicants seeking identification as Mississippi Choctaws must show that they or some one of their ancestors

complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

It is also desired that you furnish the applicant with a copy of your rules for taking testimony, and inform her that the required testimony may be presented by witnesses appearing in person before you, or in the form of depositions taken in accordance with said rules, or of affidavits properly executed.

You will also inform said party that the records of the government show that there was a person named Rachel Pickens who attempted to comply with the provisions of said article, and that, in those cases where names so appear, said records usually contain certain information as of the year 1830, relative to the persons whose names appear thereon, showing:

- 1st. Their description.
- 2nd. Their residence (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates;

and that, for purposes of comparison, testimony of like character should be furnished relative to the applicant's ancestor, in order that the Department may determine whether she was identical in person with the party whose name appears on said records.

Your attention is directed to the suggestion of the Acting Commissioner relative to the methods pursued by you in examining witnesses. The Department desires and believes that in the examination of witnesses who may appear before you at the rehearing in this case, you will afford them all assistance and encouragement that may be reasonable and proper, to enable them to make a full showing in reference to the facts upon which their claims depend.

The case is remanded for appropriate action in accordance with the suggestions herein contained. The record is returned, together with a copy of the Acting

Commissioner of Indian Affairs's letter submitting the case.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

2 inclosures.

(Copy)

Refer in reply to the
following:

-COPY-

L a n d.
1710-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, March 17, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Harriet Adkins for the identification of herself and her eight minor children, John Calvin, Ulysses Grant, Effie R., E., Maggie, Lula, Ed, Mary M., and Lomus Adkins as Mississippi Choctaws.

On December 20, 1902, the Commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaw Indians entitled to rights in the land of the Choctaw Nation, under the 14th Article of the treaty of 1830.

An examination of the record evidence shows that the principal applicant, Harriet Adkins, claims to have inherited her Choctaw blood from her mother, Neely Pullin and her great-grand mother, Rachel Pickens, whom she claims was a full blood Choctaw and owned improvements on land in Mississippi. In said decision the Commission says it appears from the records in its possession that Rachel Pickens received scrip as a beneficiary under Article 14 of the treaty. That the name Rachel Pickens also appears on

-3-

page 403, volume 1 of the claimant's brief and evidence in the case (No. 18,743) of the Choctaw Nation vs. United States in a tabular statement of cases arising under the 14th Article of the treaty of Dancing Rabbit Creek, adjudicated by the board of Commissioners constituted by the Act of Congress of 23d August, 1842, but that there is nothing in the testimony of the applicants which would tend to show that the Rachel Pickens referred to in either of the above records, is the identical Rachel Pickens through whom they claim.

In addition to the foregoing the office finds on page 291 of Volume 101 - "Journal of Proceedings of Commissioners, Claiborn & Graves in the adjudication of Choctaw Claims", the following statement relative to Rachel Pickens.

CASE 253.

Rachel Pickens (dead) represented by James Pickens as the next friend of heirs, ac., 5ft. 10 3/4 in. high says he is fifty-six. His statement of the case sworn to and filed.

I, Witness Sockatubbee, being first sworn - says that the man in court is named Jim Pickens, and is cousin to witness - and that said Pickens is representing the claim of Rachel Pickens. That said Rachel died about two years ago, witness knew her well - she was a half-breed and was married at date of treaty of Dancing Rabbit to James Pickens. That she was then living to herself, tho' married - in a separate house - about three hundred yards from her husband's own dwelling - and had so lived for about a year before the treaty. She lived permanently at this house as her own residence. Her husband, James Pickens had at date of treaty another wife named Chehoya, who occupied the same house with her husband Jim.

Rachel at date of treaty was considered as the head of a family. She had then living with her and unmarried, the following children, viz:-

1. Davis - young man present.
2. Mahala - young lady present.
3. Hannah - female, died two or three years after the

treaty - left no children.

They were all under ten years of age at date of treaty.

The dec'd had no other children at date of treaty, but has had born

since, the following: viz:-

1. Nice-at-home
2. Jose-at home
3. Benjamin-at home

The decd. at date of treaty, had a separate house and field of her own.

She then lived about mile east of Hopahka, on the Robinson Road - belonged to Pickens Company & Lefflores District. Her land was tolerably fair land, used spring water. Her husband was her nearest neighbor. She worked for her support, her husband would help her, - she ate to herself and had everything to herself. She remained on this place until her death, never went west or left the Ceded Country. Her place is still vacant that it is embraced in the reserve of her husband James Pickens.

Witness does not know whether claimant ever signified her intention to remain in the country and take lands under the five years stay, of his own knowledge - all he knows is what James Pickens her husband told him.

Se was at the annuity at Lefflores, took no part of it. She obtained no other land under any other article of treaty as witness knows or believes, and never sold it or made any contract to sell it or scrip as witness knows or believes. See depo. of Cobb & Pickens (in above case) this day filed.

This statement shows that Rachel Pickens was a half breed Choctaw and had two daughters at the date of the treaty - Mahala, a young lady and Hannah (age not given) who died two or three years after treaty, without issue, and that her children Nice, Jose and Benjamin were born after the treaty. It does not appear whether her husband James Pickens, was a Choctaw or not.

The principal applicant claims that her mother was a Mary Pickens, but it does not appear from said statement that the Rachel Pickens therein mentioned had a child by that name.

The fact that this applicant was 38 years old in 1903 and that her mother, Nealy Pullim would be about 54 years old if living, shows that said Rachel Pickens could have been the great-grand-mother of this applicant; especially through the said daughter Mahala.

The office cannot agree with the finding of the Commission that "there is nothing in the testimony of the applicants which would tend to show that the Rachel Pickens referred to in either of the above records is the identical Rachel Pickens through whom they claim," for the office considers that the evidence does tend to establish that fact. The principal applicant says her grand-mother was Rachel Pickens - that she was a full blood Choctaw Indian - that she owned improvements on land in Mississippi - all of which she had learned from her mother.

This testimony taken in connection with the record tends to show that this applicant is a descendant of the Rachel Pickens therein mentioned. There is of course much discrepancy between the testimony and the record, but if the applicant is half as ignorant as the examination of the Commission indicates, this is to be expected, but the fact remains that taken as a whole, the testimony and record show that the claim of the applicant has sufficient foundation for close investigation.

The office desires to call the Department's attention to the examination of the principal applicant by the Commission, when she was before it as a witness. The following appears on pages 5 and 6 of the record:

Q Answer the question; now, tell me what she told you? A She said that that was her home and they had lands there; her great-grand-mother was there.

Q Now, listen to this question if you have sense enough to understand it. Did your mother or anyone tell you that any of your Choctaw ancestors went to Col. Ward, the United States Ind. Agent of the Choctaw Indians in Mississippi, within six months after the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States?

A Yes, I suppose so.

Q Do you understand the question? A Yes sir.

Q You don't understand one half of that question; now, then, who was Col. Ward? A. He was a Commissioner I suppose.

Q He wasn't a Commissioner; I have told you he was the United States Indian Agent. Do you know what the treaty of 1830 is?

A No sir.

Q Do you know what the ratification of a treaty means? A No sir. I don't.

Q You don't know what the word ratification means? A No sir.

Q Why do you say "yes" in answer to my question when you don't understand the question? A I did understand it but I don't understand it now. If I study on it a while I can tell.

Q What does the word "ancestor" mean, do you know? A Yes sir, parents, my mother.

Q Does it mean anybody else? A No sir, my parents' folks.

Q Who are your parents folks? Their parents? A Yes sir.

Q Did your mother tell you all about the treaty of 1830 and all about Col. Ward and all about the ratification of that treaty and how it was necessary under article fourteen to go to the United States Indian agent within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? Did she tell you all that? A No sir.

Q Why did you say she did then? A I misunderstood you a while ago.

Q Try to understand these questions; if there is anything you don't understand, say so. Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Ind. Ter. with the other Indians between 1833 and 1838? A I don't know sir.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830?

A Yes sir.

Q How do you know that? A My grandmother told me they did.

Q Did your grandmother tell you? A No sir, my - I meant to say my mother.

Q What did your mother tell you about any of your ancestors owning land in Mississippi which they claimed under article fourteen of the treaty of 1830? A She didn't say anything more than just telling about her home back there in Mississippi.

Q Did she tell you about article fourteen of the treaty of 1830?

A No sir.

Q You never heard of that article till today, did you? A No - X
Yes, I have heard of it.

Q When? Who told you about it? Your mother? A Yes sir.

Q Did she tell you all about the treaty of 1830 and article fourteen of that treaty? A No sir, she didn't tell me all about it.

Q Did she tell you anything about it? A No sir.

Q Then why do say she did? A --

Q Did you ever hear that any of your Choctaw ancestors claimed any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A No sir.
Q You don't know what a supplement is, do you? A No sir.
Q Why do you say no? A What am I going to say.
Q Well, that's for you to say; you are under oath to tell the truth — A Yes sir.

* * * * *
Q Did any of your Choctaw ancestors — now understand this question; if you don't answer it correctly we will try to find out — did any of your Choctaw ancestors go before either these Commissions and claim benefits under article fourteen? A No sir.
Q How do you know? You said "no" that time. Do you know what is meant by the Commission appointed in 1837 and that of 1842?
A I don't know sir.
Q What makes you try to answer the question if you don't understand it, if you don't know it? A (No answer).
Q This is the Dawes Commission you are before now. A I understand that.

The office submits that such an examination is not productive of good results.

It is facts that should be sought and not an exploitation of knowledge. It makes no difference whether this witness knew the meaning of "ratification" and "ancestor" or not. It is presumed such applicants do not know the technical legal meaning of these terms. Witnesses of this class should be encouraged to tell what they know rather than being dominated and threatened, and statements extorted from them under such conditions. It is also immaterial whether this witness knows anything about the treaty of 1830 or understands the 14th Article thereof, for it is the province of the Commission to determine whether that article has been complied with or not, and all the witness should be expected to do is to testify to such facts, if within his or her knowledge, as will enable the

Commissioner of the General Land Office

Department of the Interior, Washington, D. C.

Very respectfully,
Yours very truly,

(Signed) A. C. TOWNSEND

Acting Commissioner.

W. O. B.

L.

Muskogee, Indian Territory, April 10, 1903.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of April 2, 1903, remanded to this Commission the record theretofore forwarded the Department in the matter of the application made by Harriet Adkins for the identification of herself and minor children as Mississippi Choctaws, with instructions that she be granted further opportunity to introduce additional testimony and evidence in support of her claim.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, May 11, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 10, 1903.

Harriet Adkins,

McGee, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of April 2, 1903, remanded to this Commission the record theretofore forwarded the Department in the matter of the application made by you for the identification of yourself and minor children as Mississippi Choctaws, with instructions that you be granted further opportunity to introduce additional testimony and evidence in support of your claim.

The record in your case shows that you claim descent from one Rachel Pickens, an alleged full blood Choctaw.

The Secretary of the Interior in his letter states:

"You will also inform said party that the records of the government show that there was a person named Rachel Pickens who attempted to comply with the provisions of said article, and that, in those cases where names so appear, said records usually contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

- 1st. Their description.
- 2nd. Their residence (usually locating the same by reference to some town, county, body of water or public road).
- 3rd. Their Choctaw as well as their English names.

H A 2

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates;

and that, for purposes of comparison, testimony of like character should be furnished relative to the applicant's ancestor, in order that the Department may determine whether she was identical in person with the party whose name appears on said records.*

You are advised that the Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two Commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

You are further advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal

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appearance of witnesses for examination under oath. In the event, however, that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions herein referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, May 11, 1903, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

R & R Dep.

Chairman.

Registered.

Muskogee, Indian Territory, April 10, 1903.

A. S. McRae,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of April 2, 1903, remanded to this Commission the record theretofore forwarded the Department in the matter of the application made by Harriet Adkins for the identification of herself and minor children as Mississippi Choctaws, with instructions that she be granted further opportunity to introduce additional testimony and evidence in support of her claim.

The record in this case shows that the principal applicant claims descent from one Rachel Pickens, an alleged full blood Choctaw.

The Secretary of the Interior in his letter states:

"You will also inform said party that the records of the government show that there was a person named Rachel Pickens who attempted to comply with the provisions of said article, and that in those cases where names so appear, said records usually contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

- 1st. Their description.
- 2nd. Their residence (usually locating the same by reference to some town, county, body of water or public road).

A S MoR 2

3rd. Their Choctaw as well as their English names.

4th. The names and number of persons who composed their families.

5th. The names of their neighbors and immediate associates;

and that, for the purposes of comparison, testimony of like character should be furnished relative to the applicant's ancestor, in order that the Department may determine whether she was identical in person with the party whose name appears upon said records."

You are advised that the Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two Commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

You are further advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal

A B MoR 3

appearance of witnesses for examination under oath. In the event, however, that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions herein referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Monday, May 11, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

R & R Dep.

Registered.

Muskogee, Indian Territory, July 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On January 5, 1903, the Commission transmitted to the Department the record in the Mississippi Choctaw case of Harriet Adkins, et al., together with its decision of December 30, 1902, refusing the application made by Harriet Adkins for the identification of herself and her eight minor children as Mississippi Choctaws.

With departmental letter of April 2, 1903 (I T D 2968-1903) the record in this case was remanded in order that the principal applicant might be granted further opportunity to introduce additional evidence.

In accordance therewith the Commission, on April 10, 1903, notified the principal applicant and her attorney of record that they would be allowed up to and inclusive of Monday, May 11, 1903, to introduce additional evidence in support of the application made by said Harriet Adkins for the identification of herself and eight minor children as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

On May 11, 1903, A. S. McRae, attorney for the principal

applicant herein, filed with the Commission written motion for continuance of sixty days in this case from May 11, 1903, which motion was by the Commission granted. Since said date no additional proceedings have been had herein.

The original record in the Mississippi Choctaw case of Harriet Atkins, et al., together with proceedings had since the remanding of this case, is therefore herewith transmitted.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

MoK 1

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Land. WASHINGTON, October 17, 1903.
44841.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the application of Harriet Adkins for identification for herself and eight minor children — John Calvin, Ulysses Grant, Effie R., E., Maggie, Lula, Ed, Mary M., and Louis Adkins, as Mississippi Choctaws, wherein a decision was rendered by the Commission December 20, 1902, adverse to the applicants,

March 17, 1903, the office reported on this case, as follows:

An examination of the record evidence shows that the principal applicant, Harriet Adkins, claims to have inherited her Choctaw blood from her mother, Nealy Pullim, and her great grand-mother, Rachel Pickens, whom she claims was a full blood Choctaw and owned improvements on land in Mississippi. In said decision the Commission says it appears from the records in its possession that Rachel Pickens received scrip as a beneficiary under article 14 of the treaty. That the name Rachel Pickens also appears on page 403, volume 1, of the

claimant's brief and evidence in the case (No. 12,742) of the Choctaw Nation vs. United States in a tabular statement of cases arising under the 14th article of the treaty of Dancing Rabbit Creek, adjudicated by the Board of Commissioners constituted by the act of Congress of 23rd August, 1842, but that there is nothing in the testimony of the applicants which would tend to show that the Rachel Pickens referred to in either of the above records is the identical Rachel Pickens through whom they claim.

In addition to the foregoing the office finds on page 291 of volume 101- "Journal of Proceedings of Commissioners, Claiborne & Graves in the adjudication of Choctaw claims", case 253, there was a Rachel Pickens who, at the date of the treaty, was considered as the head of a family. She had then living with her and unmarried, the following children- Davie, Mahala, and Hannah. They were all under ten years of age at the date of the treaty. She had no other children at the date of the treaty, but has had born since, the following- Nive-at-home, Jose-at-home, Benjamin-at-home. This statement in full shows that Rachel Pickens was a half blood Choctaw and had two daughters at the date of the treaty- Mahala, a young lady, and Hannah (age not given), who died two or three years after the treaty without issue, and that her children Nive, Jose and Benjamin were born after the treaty. It does not appear whether her husband, James Pickens, was a Choctaw or not.

The principal applicant claims that her mother was Mary Pickens, but it does not appear from the said statement that the Rachel Pickens therein mentioned had a child by that name.

The fact that this applicant was 38 years old in 1902, and that her mother, Nealy Pullin, would be about 54 years old if living, shows that said Rachel Pickens could not have been the great grand-mother of this applicant, especially through the daughter Mahala.

This office cannot agree with the finding of the Commission that there is nothing in the testimony of the applicants which would tend to show that the Rachel Pickens referred to in either of the above records is the identical Rachel Pickens through whom they claim, for the office considers that the evidence does tend to establish that fact. The principal applicant says her grand-mother was Rachel Pickens- that she was a full blood Choctaw woman- that she owned improvements on land in Mississippi- all of which she had learned from her mother.

This office concludes its letter by recommending that this case should be returned to the Commission for further hearing before final determination.

April 8, 1903, the Department remanded this case to the Commission for proper action in accordance with letter of that date. In accordance therewith, the Commission on April 10, 1903, notified the principal applicant and her attorney of record that they would be allowed up to and inclusive of Monday, May 11, 1903, to introduce additional evidence in support of the application made by said Harriet Adkins for the identification of herself and eight minor children as Mississippi Choctaws, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

On May 11, 1903, the attorney for the principal applicant herein filed with the Commission a written motion for a continuance of sixty days in this case from May 11, 1903, which motion was granted by the Commission. Since that date no additional proceedings have been had herein. Inasmuch as no appearance was made by or on behalf of the applicants nor any additional testimony filed with the Commission in support of the applicants' claim for identifica-

tion, it is respectfully recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

A. C. Tenner,
Acting Commissioner.

C. T. G.
H. S. R.

COPY.

WCF.
PHE.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, November 13, 1903.

D.C. 31933.
ITD. 7440-1903.
L.R.S.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application for identification as Mississippi Choctaws of Harriet Adkins (M.C.R. 4964), for herself and her eight minor children, John Calvin, Ulysses Grant, Effie R. E., Maggie, Lula, Ed, Mary M., and Loma Adkins, transmitted with your letter of January 5, 1903.

The applicants in this case base their claims to a right to identification as Mississippi Choctaws on their descent from Rachel Pickens, through her daughter, Mary Pickens, through her daughter, Nealy Pullin, the mother of the principal applicant, Harriet Adkins.

Your decision rejecting the applicants was rendered December 20, 1902. On April 2, 1903, the Department remanded the case to you, in order that the principal applicant might be granted further opportunity to introduce additional evidence.

It appears from your letter of July 24, 1903, resubmitting the case, that on April 10, 1903, you notified the principal applicant and her attorney, that they would be allowed until May 11, 1903, to introduce additional evidence in support of their claims; that on May 11, 1903, the attorney for the applicants filed with the Commission a written motion for a continuance of sixty days from May 11, 1903, which motion was granted by the Commission; that since said date no further appearance has been made by or on behalf of the applicants, and no additional testimony has been offered by them.

Reporting October 17, 1903, the Acting Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

COPY.

M.C.R. 4964.

Muskogee, Indian Territory, November 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 13th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Harriet Adkins, et al., of which decision you were advised by mail on the 20th day of December, 1902.

Respectfully,

(SIGNED)

Tamm Dixby.
Chairman.

M O R 4964

Muskogee, Indian Territory, February 20, 1904.

Mansfield, McMurray & Gernish,
Attorneys for the Choctaw and Chickasaw Nations,
- South McAlester, Indian Territory.

Gentlemen:

In compliance with your request dated February 17, 1904,
there is herewith enclosed you copy of Departmental letter, dated
April 2, 1903, remanding the Mississippi Choctaw case of Harriet
Adkins.

Respectfully,

Commissioner in Charge.

McM 36

Muskogee, Indian Territory, December 8, 1903.

Harriet Adkins,

McGee, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you ask to be advised if you can hold land in the Choctaw-Chickasaw country.

In reply you are informed that on November 13, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application for identification as a Mississippi Choctaw, of which departmental action you were duly notified on November 30, 1903.

The Commission now considers your case closed, and it is not believed that you are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

COPY.

M.C.R. 4964.

Muskogee, Indian Territory, November 30, 1903.

Harriet Adkins,

McGee, Indian Territory.

Dear Madam:

You are hereby notified that on the 13th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Harriet Adkins, et al., of which decision you were advised by registered mail on the 20th day of December, 1902.

Respectfully,

(SIGNED)

Tame Bixby.

Chairman.

BY.

M.C.R. 4964.

Muskogee, Indian Territory, November 30, 1903.

A. S. McRae,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 13th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Harriet Adkins, et al., of which decision you were advised by registered mail on the 29th day of December, 1902.

Respectfully,

(SIGNED).

Tams Dixie
Chairman.

No. 4964

For Identification as a Mississippi Choctaw.

Date

MAR 10 1902

Name Harriet Adkins

Age 38 — Blood 1/8

Post Office, Mc Gee, D. T. ^{negro}

Father: Richard Pullim, d

Mother: Kealy. ^{Indian d}
" ^{negro, white}

Claims through mother —

Husband

Ed Adkins, negro. l.

No claim for husband

Children: John Calvin Adkins, 19

Ulysses Grant " 16

Effie R. E. " 14

Maggie " 12

Lula " 9

Ed " 6

Mary M. " 4

Lornus " 2

Claims for self &
children

Stenographer W. H. Harris

Choctaw MCR 4965

Lula Wallace

MCR 4965

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lula Wallace, et al.,
for identification as Mississippi Choctaws, M. C. R. 4965.

INDEX

List of papers forwarded to the Secretary of the Interior, comprising
the record in the case of Lula Wallace, et al., M.C.R. 4965.

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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 19, 1902.

4965

In the matter of the application of Lula Wallace for the identification of herself and her minor brothers and sisters, William Henry, James, Leera and Ida Young, as Mississippi Choctaws.

A.S. McRea, att'y for applicants.

Lula Wallace being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lula Wallace.
Q What is your age? A Twenty three.
Q What is your post office address? A Wynnewood, Indian Territory.
Q How long have you lived there? A About three years off and on.
Q Where did you live before that? A I lived at Berwyn, Indian Territory before that.
Q How long have you lived in the Indian Territory altogether last past? A About fifteen years.
Q Where did you live before that? A In North Carolina.
Q Were you born in North Carolina? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Mack Young.
Q What was your mother's name? A Harriet Young.
Q Do you claim through your father or mother? A Mother.
Q How much Choctaw blood do you claim? A One eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q How much Choctaw blood did your mother have? A One fourth.

Q What was her other blood? A White and Ethiopian and Indian.
Q And a quarter Indian? A Yes sir.
Q What was your father's blood? A Negro.
Q Were either of them slaves? A My mother wasn't but my father would have been had he been old enough.
Q His parents were? A Yes sir.
Q Were any of your mother's people slaves? A No sir.
Q Are you married? A Yes sir.
Q Your husband living, is he? A Yes sir.
Q Is he a negro? A Yes sir.
Q What is his name? A Henry Wallace.
Q Do you make any claim for him? A No sir.
Q Have you any children you want to make application for under twenty one years of age- A I haven't any of my own only brothers and sisters.
Q You have some brothers and sisters under twenty one years of age and unmarried you want to make application for? A Yes sir.
Q Orphans? A Yes sir.
Q How long have you had the custody of them? A Three years.
Q They live there with you? A Yes sir.
Q Unless you make this application for them there is no one else to make application for them at this time? A That's all.
Q They claim through the same source through whom you claim?
A Yes sir.
Q Full brothers and sisters of yours? A Yes sir.
Q What is the name of the oldest? A William Henry Young.
Q How old is he? A Nineteen years old.
Q The next? A James Young.
Q How old? A Twelve.
Q The next? A Leora Young.
Q How old? A Six.
Q The next? A Ida Young.
Q How old? A She is four.
Q How much Choctaw blood do you claim for these children? A One eighth.
Q The same as you claim? A Yes sir.
Q The father of these children is Mack Young? A Yes sir.
Q And the mother is Harriet? A Yes sir.
Q Is your name or the name of any of these brothers and sisters of yours on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation or has any one for these children to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation or has anyone for these children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you or these children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
Q Do you now come before the Commission to identify yourself and your brothers and sisters as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Understand that article? A No sir.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in

Mississippi on the 27th day of September 1830 and was for the purpose especially of removing all the Choctaw Indians from that old Choctaw Nation to the Choctaw Nation, Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory; in order to protect the interests of those Indians who remained back there in the old Choctaw Nation-- about 6000 did stay back-- some provision was made contained in article fourteen. After that article was adopted the whole treaty was signed and later on on the 24th day of February, 1831, the treaty was ratified with that article in it. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizens of the States, shall be permitted to do so by signifying his intention to the agent, within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is livign with him over ten years of age; and a quarter se ction to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with the provisions of that article as read and explained? A Yes sir.
- Q Who did and what did they do? A My great grandfather.
- Q What was his name? A William Fisher.
- Q Did he live in Mississippi in 1830? A Yes, mother says he did.
- Q Did he have a family there then? A Yes sir.
- Q How many children did he have then? A I don't believe I heard mother say.
- Q How much Choctaw blood did William Fisher have? A He was a full blood.
- Q How do you know? A Mama said he was.
- Q Did he speak the Choctaw language? A Yes sir.
- Q How do you know? A Mama said he spoke the Choctaw and used to write to us about it.
- Q How old would he be if living now? A Something in a hundred.
- Q Where was he born? A In Mississippi.
- Q Where in Mississippi? A I don't know sir.
- Q When and where did he die? A In Mississippi I suppose.
- Q Do you know? A Mama said he died in Mississippi.
- Q When did he die in Mississippi? A I can't tell you.
- Q How do you know he would be over 100 years old? A Mama said he would be over a hundred if living.

Q When did your mother tell you that he would be over 100 if living now? A She didn't tell me that if he was living now he would be over a hundred.

Q When would he be over a hundred? A She would say when she used to tell us that he would be old for he was living then- I just suppose he would be over a hundred.

Q When did she tell you that? A When we was small, from five or 9 or 10 up.

Q How old did she tell you that he was then? A She didn't say how old that he was.

Q I would like to know how you figure that he would be over 100 years old- A She told me he would be an old man when I was nine or ten.

Q You don't know anything about it yourself? A No sir, I don't know.

Q Now, you said a little while ago that he complied with the provisions of article fourteen of the treaty of 1830. A Yes sir.

Q Did you know what you meant when you said that? A I think I do.

Q Tell me what. A I meant that he built his home in Mississippi.

Q Did he go to Col. Ward within six months after the ratification of the treaty of 1830 and tell him that he wanted to stay in Mississippi take land there and become citizens of the United States? A Yes sir.

Q How do you know? A For I have heard Mama talking about it.

Q Tell me what she said about it. A Well, I don't remember all about what she said because I was small--I remember hearing that name Col. Ward-- I just remember hearing the name of Ward-

Q What was he? A I don't know sir; he was a man appointed come way to tend to the affairs.

Q Well, but I want you to tell me just what he was appointed for and what he did because you have answered positively that your ancestor went to him within six months after the ratification of the treaty- and told him certain things; I want to know all about it; if you can not tell me I want you to say so. A Well, they went to him and told him they wanted to take land and wanted their homes, or something of that kind-- I can't tell you.

Q Did they go to him within six months after the ratification of the treaty? A Yes sir.

Q What is meant by ratification? A After it was put forth.

Q Well, after that it was to be finally ratified by the United States Government; is that what you understand by ratification?

A No sir.

Q Do you know when that treaty of 1830 was ratified? A No sir.

Q It was ratified on the 24th day of February, 1831; now do you know whether William Fisher went to him within six months from that date and told him that he wanted to stay in Mississippi, take land there and become a citizen of the United States? A Mama said he did.

Q Have you any other proof except that? A No sir.

Q Did William Fisher get any land under article fourteen in Mississippi or Alabama? A Yes sir.

Q Where was it located? A I don't know sir.

Q How do you know he got it? A I heard Mama say they was wealthy and of course he was bound to have land.

Q Got it under article fourteen, did he? A Yes sir.

Q Is his name on any list made by Col. Ward or any other list? A No sir.

Q Well, it must have been if he got land there. A Yes sir, that's so.

Q You say "yes" now? A Yes sir.

Q Do you know whether the name of William Fisher appears upon any of the records as having received land in Mississippi? A No sir.
Q Well, you said a while ago that your ancestor did get land.
A Yes, he got it in Mississippi.

On page 331 of Volume 7 American State Papers appears the name of William Fisher, Marselit Krebbs et al., as original claimants in an abstract of claims to land situated East of Pearl River and West of the Perdido, below the 31st degree of latitude, presented to the register and receiver of the land office-

Q Is this the ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Yes sir.
Q That's the only claim that your ancestor William Fisher ever made; all that's right there as shown by the records? (No answer).
Q Answer the question. A No sir.
Q As far as you know? A Yes sir, as far as I know it is.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified if they wanted to take advantage of article fourteen of that treaty were obliged to go to the United States Indian Agent, Col. Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States; a good many Choctaw Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register; because of his neglect a good many Indians who held land in Mississippi had it and the improvements thereon taken from them by the Government and sold by Public Land Sale. This caused a good many complaints among the Choctaw Indians so that in 1837 by act approved March 3, that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 by an act approved August 23, that year, another Commission was appointed for the same purpose; these Commissions went to Mississippi and heard claimants under article fourteen of that treaty.

Q Did any of your ancestors go before either of these Commissions and claim benefits under article fourteen of the treaty? A Yes sir.

Q How do you know? A I don't know sir; I understood you to say under article fourteen.

Q Is that all you understood of the question? A (No answer.)

Q I told you a Commission was appointed in 1837 and another in 1842 and I gave you a reason why these Commissions were appointed and I told you that they went before each of these Commissions because they couldn't get their rights under article fourteen before Col. Ward before whom they appeared within six months after the treaty was ratified. Now I ask you if any of your Choctaw ancestors went before either of these two Commissions claiming benefits under article four-

teen-- A No sir.

Q You don't understand, you don't know whether they did or not, do you? A moment ago you said they did, and now you say no sir; is it a fact that you don't know? A Yes, they did; I understand it now.

Q How do you know they did? A Mama said they did.

Q Did she tell you all about that Commission of 1837? A No sir, I just heard her speak of it.

Q Did she tell you all about Murray & Vroom, Clayburn-- don't you remember about that? A I remember about one of them; I can't remember anything about those Commissions; I don't know, anything about that. Well, I have told him I don't know anything about it; I don't know anything about the titles of them.

Q Do you know anything about it at all? A No sir, not enough to say anything about it.

Q Couldn't you say that a while ago? A Yes sir, but I didn't quite understand it.

Q Now, I will say this question slowly, and if you don't understand it say so; According to the act of Congress approved August 23, 1842, those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, where it also appeared that they had formerly held land in Mississippi which the Government had taken from them and sold, might be entitled to select land in Mississippi/Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given to him; these certificates were called scrip. Did William Fisher or any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A yes sir.

Q Do you understand that question? A Oh!

Q Do you know what I mean by scrip? A Yes sir.

Q What do I mean? A Certificates.

Q What do I mean by certificates? A Well, it is a certificate is all I know entitling persons to land.

Q And where could he select this land? A In Mississippi.

Q In Mississippi, Alabama, Arkansas or Louisiana? A Yes sir.

Q Now do you know whether any of your Choctaw ancestors received any such scrip? A No sir, I don't know as they did.

Q But a moment ago you said yes; how do you reconcile that? A Well, I just answered it.

Q You didn't know what you were talking about, did you? A Yes, I think they did.

Q Well, you change it again, do you? A No sir; they didn't receive any as I know of.

Q Well, no is your final answer; that they didn't receive any scrip? A yes sir.

Q How do you know they didn't? A I don't know as they did.

Q you change it again now and say that you don't know whether they did or not? A Yes sir.

Q They might have? A yes as far as I know.

Q Well, you don't know anything about it? A Well, I don't know whether they received any scrip or not.

Q Have you any documentary evidence that you want to introduce now in support of this claim? A --

Q or any other proof? A No sir.

(Attorney for applicant asks for time.) Fifteen days time is allowed this applicant in which to introduce further evidence in support of this evidence if she desires.

Q Do you speak Choctaw? A No sir.
Q Have you any knowledge of that language? A No sir.
Q Have you any relatives who have appeared before this Commission to be identified as Mississippi Choctaws claiming through William Fisher? A No sir.
Q You are the only one of your family-- A Yes sir.
Q Is there anything more you want to say in support of this claim?
A No sir.

This applicant has the appearance and physical characteristics of being descended from negro parentage; claims one eighth Choctaw blood; she doesn't, in the opinion of the Commission, show any Choctaw blood; her features, color of her hair, and, above all, the manner of her appearance as a witness and the statements that she made before the Commission would indicate that she not only has no Choctaw blood but has no knowledge of the questions which were propounded to her. She was perfectly willing to make any statement in any manner that suits her fancy, irrespective of the question, but the Commission is unable to determine whether is because she does not know any better or whether she willfully misrepresents. She has no knowledge of the Choctaw language and no knowledge of the compliance on the part of any of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on March 19, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 4th day of April, 1902.

Samuel H. Hallwood

Notary Public.

L. W. L.
Cov.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lula Wallace, et al.,
for identification as Mississippi Choctaws, M. C. R. 4944.

D E C I S I O N -----

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Lula Wallace for herself and her four minor brothers and sisters, William Henry, James, Leora and Ida Young, under the following provision of the act of Congress approved June 23, 1902 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of William Fisher, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said William Fisher, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commission authorized to adjudicate such claims by the

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acts of Congress approved March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 515).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lula Wallace, William Henry Young, James Young, Leora Young and Ida Young, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Jame Bixby.
Acting Chairman.

(SIGNED) I. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory.

OCT 23 1902

Muskogee, Indian Territory, October 23, 1902.

Lula Wallace,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby advised that on the 23rd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Lula Wallace, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lula Wallace, William Henry Young, James Young, Leera Young and Ida Young as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

L...W....-2

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Dixby.
Acting Chairman.

Registered.

Muskogee, Indian Territory, October 23, 1902.

A.S.McRea,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 23rd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Lula Wallace, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lula Wallace, William Henry Young, James Young, Leera Young and Ida Young as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within

A.S. Moh, ---

which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tama Pixby.
Acting Chairman.

Registered.

COPY.

H.C.R. 4965

Muskegee, Indian Territory, October 23, 1902.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 23rd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Lula Wallace, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lula Wallace, William Henry Young, James Young, Leera Young and Ida Young as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered."

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within

H. M. & C. --2

which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tama Firby.
Acting Chairman.

COPY.

Muskogee, Indian Territory, November 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Lula Wallace, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 23, 1902.

The Commission has the honor to report that the principal applicant in this case, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED

Samuel D. May
Acting Chairman.

Through the
Commissioner of Indian Affairs.

1 enclosure, M C R 4965

(COPY)

Land.

DEPARTMENT OF THE INTERIOR,

67,822-1902.

Office of Indian Affairs,

Washington, Feb. 11, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Lula Wallace for the identification of herself and her four minor brothers and sisters, William Henry, James, Leora and Ida Young, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the commission on October 23, 1902.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from William Fisher, who they allege, was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicants because the name of the ancestor through whom they claim did not appear among the names of

those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of William Fisher, and it is discovered that his name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case, it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

(W.C.B.)

P.

(COPY)

D C 6987-1903.

DEPARTMENT OF THE INTERIOR.

EAF.

ITD.1604-1903.

Washington.

L.R.S.

March 9, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 8, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Lula Wallace and her minor brothers and sisters, William Henry, James, Leora and Ida Young, including your decision of October 23, 1902, denying the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one William Fisher, alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The records fail to show that said William Fisher, or an ancestor less remote, complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 11, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

-2-

Finding no reason to modify your decision, the Department
affirms the same.

Respectfully,

(Signed) F. L. Campbell,

Acting Secretary.

1 inclosure.

M.C.R. 4968

COPY

Shahogee, Indian Territory, March 20, 1903.

Lula Wallace,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby notified that on the 9th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lula Wallace, et al., of which decision you were advised by registered mail on the 23rd day of October, 1902.

Respectfully,

Tame Bixby
Chairman.

M.O.R. 4968

COPY.

Washoe, Indian Territory, March 20, 1903.

Mansfield, Murray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 9th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lula Wallace, et al., of which decision you were advised by mail on the 23rd day of October, 1902.

Respectfully,

SIGNED

Tamc Bixby.
Chairman.

M.C.R. 4965

COPY.

Muskogee, Indian Territory, March 20, 1903.

A. S. McKee,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 9th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Lula Wallace, et al., of which decision you were advised by registered mail on the 23rd day of October, 1902.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

For Identification as a Mississippi Choctaw.

Date

MAR 1 1902

Name Lula Wallace.

Age 23 — — Blood $\frac{1}{8}$

Post Office, Wynnewood, D. T.

Father: Mack Young, ^{slave} d

Mother: Harriet " d

Claims through mother
Husband
Henry Wallace, neg. l.

No claim for husband —

Children; Brothers and sisters
of applicant —
William H. Young $\frac{1}{8}$ 19

James " $\frac{1}{8}$ 12

Leora " $\frac{1}{8}$ 6

Ida " $\frac{1}{8}$ 4

Same father and
mother as above,
Claims for self and
brothers and sisters.

Stenographer H. L. Harris

Choctaw MCR 4966

Martha J. Kistler

MCR 4966

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Martha J. Kistler,
et al., for identification as Mississippi Choctaws, M.C.R. 4966.

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of Martha J. Kistler, et al.,
M.C.R. 4966.

	page
Original application of Martha J. Kistler, et al., to the Daves Commission for identification as Missis- sipi Choctaws.....	1
Copy of letter of Commission, dated April 11, 1902, addressed to Martha J. Kistler, Pope, Tex., allowing her thirty days from April 19, 1902, in which to introduce additional testimony.....	6
Copy of letter dated May 13, 1902, addressed to Martha J. Kistler, granting her thirty days from the above date, in which to introduce additional testimony.....	7
Joint ex parte affidavit of William Henry Guinn and Francis Edney Guinn.....	8
Decision of the Commission refusing the appli- cation of Martha J. Kistler, et al., for identification as Mississippi Choctaws.....	9

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 19, 1902.

4966

In the matter of the application of Martha J. Kistler for the identification of herself and her two minor children, Jesse and Agatha Kistler, as Mississippi Choctaws.

Applicant not represented by attorney.

Martha J. Kistler being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Martha J. Kistler.
Q What is your age? A Forty.
Q What is your post office address? A Pope, Texas.
Q How long have you lived at Pope? A Two years.
Q Where did you live before that? A In Arkansas.
Q Born in Arkansas? A No sir.
Q How long did you live in Arkansas? A Six years.
Q Where did you live before that? A Dallas County, Texas.
Q Were you born in Texas? A Yes sir.
Q From there you went to Arkansas? A Yes sir.
Q And then back to Texas? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Steve Smith.
Q What was your mother's name? A Mary Quinn was her maiden name.
Q Through which parent do you claim? A My mother.
Q How much Choctaw blood do you claim? A I claim one eighth.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir, I don't know.
Q She never lived in this Territory, did she? A No sir.
Q You have no reason to believe that she has been? A No sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.

Q Is he an Indian or a white man? A White man.
Q What is his name? A George Kistler.
Q You make no claim for him, then, as an Indian? A No sir.
Q Have you any children you want to make application for? A Yes sir.
Q How many under twenty one and unmarried? A I have two.
Q What is the name of the oldest? A Jesse.
Q Girl? A No sir; boy.
Q How old is he? A Fifteen.
Q Next? A Agatha.
Q That's a girl? A Yes sir.
Q How old? A Seven.
Q Is that all? A Yes sir.
Q Is George Kistler the father of these children? A Yes sir.
Q Your children are living with you at your home? A Yes sir.
Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A I think I do.
Q Would you like to have it further explained to you? A Yes sir.

The treaty of 1830 was made between the United States Government and the Choctaw Indians who lived in the old Choctaw Nation East of the Mississippi River, partly in Mississippi and partly in Alabama; this treaty was made on the 27th day of September 1830 at Dancing Rabbit Creek in Mississippi and was made for the special benefit or purpose of removing all Choctaw Indians from that old Choctaw Nation to the Choctaw Nation in the Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory under that treaty with the other Indians and in order to protect the interests of those Indians who elected to stay back in the old Nation article fourteen was drafted and put into the treaty of 1830 and the treaty was then signed and afterwards became ratified on the 24th day of February, 1831; that article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each

unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parents. If they reside upon said lands intending to become citizens of the States ~~shall~~ for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that now, do you? A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandfather.
- Q What was his name? A William Guinn.
- Q How much Choctaw blood did he have? A A half.
- Q Did he comply with article fourteen of that treaty? A I don't know.
- Q Did he live in Mississippi in 1830 and have a family there then; 72 years ago? A I don't know whether he was there 72 years ago or not.
- Q You never heard that he had a family there then? A No sir.
- Q Did he claim through his father or mother? A Through his mother.
- Q Did she have a family in Mississippi in 1830? A She had a family there I think.
- Q In 1830? A Yes sir.
- Q How old would William Guinn be now if living? A He would be over 80.
- Q Could he have been married 72 years ago? A I think not.
- Q What was his mother's name? A I don't know his mother's name.
- Q He claimed through his mother, did he? A Yes sir.
- Q You don't recollect her name? A No sir.
- Q Do you think he was living in Mississippi in 1830? A I don't know whether he was living there at that time.
- Q You claim through your mother? A Yes sir.
- Q How old would she be if living now? A I don't know just how old she would be.
- Q Have you any idea? A She would be--- I don't remember.
- Q She claimed through which parent, her father or mother? A Through her father.
- Q His name was what? A William Guinn.
- Q This is your grandfather, then? A Yes sir.
- Q Did your mother ever live in Mississippi? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States?
- A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A I don't know.

Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830?

A They owned some land there but I don't know how they got it; they had homes there but I don't know how they come by it.

Q When did they own these homes there? A In early days.

Q In 1830? A I don't know just when.

Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement to that article?

A I don't know.

Q Did any of your Choctaw ancestors own or claim any benefits under any other treaty made between the United States Government and the Choctaw Indians than the treaty of 1830? A I don't know.

By the Act of March 3, 1837, Congress appointed a Commission to go to Mississippi and hear claimants under article fourteen of the treaty of 1830 and by the Act of Congress approved August 23, 1842 Congress appointed another Commission to go to Mississippi and hear claimants under article fourteen of the treaty of 1830; both of these went and did this and made a list of the names of Choctaw Indians who came before each of them respectively. The reason why these Commissions were appointed was because of the complaints of Choctaw Indians who came and who lived in the old Choctaw Nation and who stated that they had been to Col. Ward within the six months after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi, take land there and become citizens of the States but that he had neglected to put their names upon a list made by him known as Ward's register. His failure to do so caused many Indians who had lands in Mississippi to lose both lands and improvements thereon, for they were taken from them by the Government and sold.

Q Do you know if any of your Choctaw ancestors went before either of these Commissions and claimed benefits as Choctaw Indians? A No sir, I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the Government as Choctaw Indians which entitled them to select land in either Mississippi, Alabama Arkansas or Louisiana? A Not that I know of.

Q -to take the place of land which they had formerly held in Mississippi and which the Government had taken from them? A Not that I know.

Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A No sir, none of my relatives.

Q Have you any other evidence you want to introduce at this time? A No sir, not here.

Q Have you an attorney? A Not here.

Q Do you want any time in which to introduce any evidence in support of this claim? A Yes sir.

Q Fifteen days be enough? A I would like about thirty days.

Thirty days time is allowed this applicant in which to introduce further evidence in support of this claim.

Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown eyes, brown hair, medium fair complexion; she has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

Henty G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on March 19, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henty G. Hains

Subscribed and sworn to before me this 7th day of April, 1902.

Chas. M. Caldwell

Notary Public.

J. W. L.
C. W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Martha J. Kistler,
et al., for identification as Mississippi Choctaws, M.C.R. 4966.

- - - D E C I S I O N - - -

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Martha J. Kistler, for herself and her two minor children, Jesse and Agatha Kistler, under the following provision of the act of Congress approved June 26, 1906 (34 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Betsey Quinn, who is alleged to have been possessed of some Choctaw

blood (degree thereof not positively stated).

It further appears, from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Betay Guinn, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha J. Kistler, Jesse Kistler and Agatha Kistler as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said

article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tarns Dixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 30 1907

Miss Choctaw 4900

Muskogee, Indian Territory, June 2, 1902.

Martha J. Kistler,

Linden, Texas,

Remailed Pope Texas, Dec. 1902

Dear Madam:

Receipt is hereby acknowledged of your letter of May 27, inclosing joint affidavit of William Henry Guinn and Francis Edney Guinn, which you offer in support of your application for identification as a Mississippi Choctaw, and ask if the evidence offered by you is sufficient to establish your claim, as you have two girls who wish to appear before the Commission.

In reply to your letter you are advised that the affidavit forwarded by you has been filed with the record in your case. You are further advised that the Commission cannot render any opinion as to the sufficiency of the evidence offered in support of applications for identification as Mississippi Choctaws until the same are reached for final consideration.

If your two daughters desire to make application to the Commission for identification as Mississippi Choctaws they will be heard upon their personal appearance at the office of the Commission at Muskogee, Indian Territory, until some date is fixed or agreed upon, terminating the time within which the Commission can receive

1.0.0. 2

and consider applications of this character.

Yours truly,

Acting Chairman.

N.C.2.4966.

Muskogee, Indian Territory, October 30, 1902.

Martha J. Kistler,

Pope, Texas.

Dear Madam:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Martha J. Kistler, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha J. Kistler, Jesse Kistler and Agatha Kistler as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office,

M. J. K., Jr.

and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 4956.

Muskogee, Indian Territory, October 30, 1902 .

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Martha J. Kistler, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 498), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha J. Kistler, Jesse Kistler and Agatha Kistler as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file

N., Mex. & U. S.

arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Miss. Choctaw R4960

Muskogee, Indian Territory, November 10, 1902.

Martha J. Kistler,
Pope, Texas,

Dear Madam:

Receipt is hereby acknowledged of your letter of November 6, stating the information you have concerning your ancestors, in the matter of your application for the identification of yourself and your minor children as Mississippi Choctaws.

You are advised that at the expiration of the fifteen days from October 30, 1902, heretofore granted in this case the record will be forwarded to the Secretary of the Interior for review.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, November 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Martha J. Kistler, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 30, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Asting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M. C. R. 4966

D.C. 7252-1903.
L.R.S.
ITD. 1622-1903.

COPY

RAY

DEPARTMENT OF THE INTERIOR
WASHINGTON.

March 12, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

November 15, 1902 you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Martha J. Kistler and her minor children, Jesse and Agatha Kistler, including your decision of October 30, 1902, denying the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Betsy Guinn and William Guinn, who are alleged to have been Choctaw Indians.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that either of their alleged ancestors complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5Stat., 180), and August 23, 1842 (5Stat., 513).

Reporting February 11, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

-2-

Having carefully considered the entire record, and found
no reason to modify your decision, the Department affirms the same.

Respectfully,

(Signed) F. L. CAMPBELL,

Acting Secretary.

3 inclosures.

Land.
69029-1902.

COPY

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, February 11, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws, of Martha J. Kistler, for herself and her two minor children, Jesse and Agatha Kistler, wherein a decision adverse to the applicants was rendered by the Commission on October 30, 1902.

It appears from the evidence in this case that the applicants base their claim to identification on their descent from Betsy Guinn and William Guinn, who, it is claimed, were citizens of the Choctaw Nation, and resided in Alabama or Mississippi in 1830.

The Commission bases its decision rejecting these parties on the ground that its records do not show that Betsy Guinn, or any ancestor less remote ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830.

-2-

An examination of the records of this office discloses the fact that the names of Betsy Guinn and William Guinn do not appear in the list of those persons who complied or attempted to comply with the provisions of the sixth article of the Choctaw treaty of 1830, and it is therefore, recommended that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

Commissioner.

H.B.H. H'r.

3 enclosures.

COPY.

Muskogee, Indian Territory, March 24, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 12th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Martha J. Kistler, et al., of which decision you were advised by mail on the 30th day of October, 1902.

Respectfully,

(SIGNED)

Tamc L. L. L.
Chairman.

M.C.R. 4956

Muskogee, Indian Territory, March 24, 1903.

Martha J. Kistler,
Pope, Texas.

Dear Madam:

You are hereby notified that on the 12th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Martha J. Kistler, et al., of which decision you were advised by registered mail on the 30th day of October, 1902.

Respectfully,

(SIGNED),

James H. Kistler
Chairman.

No. 4956

For Identification as a Mississippi Choctaw.

Date

MAY 12, 1902

Name *Martha J. Kister.*

Age *40*

Blood *"8*

Post Office, *Pope, Texas*

Father: *Steve Smith, d*

Mother: *Mary, d*

Claims through *mother*

~~Husband~~
George Kister, l.w.

No claim for husband.

Children:

Jesse Kister (M) 15

Agatha " (F) 7

*Claims for self
and children*

Choctaw MCR 4967

Otis Lee

See MCR 41

MCR 4967

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 19, 1902.

4967

In the matter of the Application of Otis Lee for the identification of himself and his minor child, Charity Melvina Lee, as Mississippi Choctaws.

L.P.Hudson, att'y for applicants.

Otis Lee being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Otis Lee; I have got another name but I never use it.
- Q What is your age? A Thirty one.
- Q What is your post office address? A Colony, Oklahoma.
- Q How long have you lived there? A Only one week; come there from Missouri.
- Q Where were you born? A In Missouri.
- Q Always lived there? A No sir; went from Missouri to Kansas; lived in Kansas about six years, but all the rest of my life I lived in Missouri.
- Q Is your father living? A Yes sir.
- Q Is your mother living? A No sir.
- Q What is your father's name? A Israel Lee.
- Q What was your mother's name? A Sarah Melvina Lee.
- Q You claim through which parent? A Mother's side. That's what I have been told; that's what I am here to prove.
- Q How much Choctaw blood do you claim? A From what they told me, I have got one sixteenth.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Eva Lee.
- Q White woman? A Yes sir.
- Q You make no claim for her then? A No sir.

- Q Have you any children you want to make application for? A I have one named Charity Melvina Lee.
- Q How old is she? A Three months old.
- Q Eva Lee is the mother? A Yes sir.
- Q Were either you or your wife married before? A No sir.
- Q You claim for yourself and children do you? A Yes sir.
- Q When were you married to your wife? A March 21, 1901, I believe.
- Q By a minister under a license? A Yes sir.
- Q Have you proof of that marriage with you? A No sir.

Here attorney for applicant asks leave to file proof of the marriage later.)

- Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw and to identify this child as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Understand that article of that treaty? A I have heard it read several times, I don't know.
- Q Do you want it further explained to you? A Why I don't know-as there's any use, as I could understand it better; I have heard it read several times understandingly; you might explain it.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September 1830- it was later ratified on the 24th day of February 1831: before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Choctaw Indians who elected to stay in the old Choctaw Nation East of the Mississippi River article fourteen was put into the treaty; that article was for the special benefit of the Choctaw Indians who remained in the old Choctaw Nation, and who are now called, with their descendants, Mississippi Choctaws. It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so

by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that, do you? A Yes, I think I do.
- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty?
- A I don't know.
- Q What was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A It was on my mother's side.
- Q What was the name going back now to your ancestor- A Her name was Lee.
- Q What is the name of your ancestor back farther- A My grandmother's name was Dickinson; I can't give the other name; I don't know the first name.
- Q Is this your grandmother? A Yes sir.
- Q Did she live in Mississippi in 1830? A I don't know.
- Q Did she ever live in Mississippi? A I don't know.
- Q Did any of your Choctaw ancestors live in Mississippi to your knowledge? A I don't know.
- Q How much Choctaw blood did she have? A They claimed she had a half, wasn't it? I am not sure about that.
- Q If she had a half, your mother would have a quarter and you would have an eighth? A Well, then, she had a quarter; that's what I have been told by others that's went there; that's all I know.
- Q Did she have a Choctaw Indian name or speak the Choctaw language?
- A No sir. I don't think she could speak the Choctaw language.
- Q Was Dickinson her maiden name? A Yes sir; her married name.
- Q What was her husband's name? A William Dickinson.
- Q Do you know what her maiden name was before she married? A They tell me it was Cunningham.
- Q Do you know the Christian name of her father? A No sir.
- Q How would your grandmother, Dickinson, be if living now? A I can't tell you.
- Q You claim through your mother? A Yes sir.
- Q Did she ever live in Mississippi? A I don't think she ever did.
- Q How old would she be if living now? A Fifty nine.
- Q Where was she born? A Can't tell you.
- Q Did she claim through her mother, Dickinson? A Yes, that's what they tell me; her maiden name was Unnningham.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States?

A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838 and 1840? A I can't say.

Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830?

A I don't know.

Q Did they claim or own any land or benefits of any kind under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I can't say.

Q Did you ever hear that they claimed any benefits under any treaty made between the United States Government and the Choctaw Indians other than the treaty of 1830? A No sir.

Q Did any of your Choctaw ancestors go before the Commission appointed by act of Congress of March 3, 1837 or before the Commission appointed August 23, 1842, and claim benefits as Choctaw Indian under article fourteen of the treaty of 1830- claiming that they had gone before Col. Ward with six months after the ratification of the treaty of 1830 and attempted to register under article fourteen but that he failed to put their names upon a list known as Ward's Register?

A I can't say.

The result of his failure to do so caused many Indians who held land in Mississippi upon which they held improvements to lose both for they were taken from them by the Government and sold at Public Land Sale.

Q Did any of your Choctaw ancestors receive any scrip from the Government of the United States which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana to take the place of land which they had formerly held in Mississippi or in the old Choctaw Nation? And which the Government had taken from them and sold?

A I can't say.

Q This scrip was issued August 23, 1842 under the act approved then. Have you any relatives who have appeared before the Commission to be identified-- A I have this cousin; six cousins.

Q Five or six; can you give their names? A Yes sir; William Been; the next one is named Tilda Thomas, I believe; Nettie Lathrum is another.

Q Was William Been, your cousin, made application to be identified as a Mississippi Choctaw? A That's what I hear; on February 10, 1902.

Reference is made to M.C.R. 4675

Q Do you want to have the records of William Been and others claiming through the same common ancestor considered with yours in order that you may get the benefit? A Yes sir.

Q Have you any other testimony or other evidence? A --

(Here L.P.Hudson, attorney for applicant, asks leave to file further evidence at a future date.) Granted.

Do you speak or understand the Choctaw language? A No sir.

Henry H. Lathrum being called and sworn as a witness in this case testified as follows:

Q What is your name? A Henry H. Lathrum.

Q What is your age? A I am thirty five.

Q What is your post office address? A Parker, Oklahoma.

Q Have you made application to be identified as a Mississippi Choctaw? A No sir.

(Attorney for applicant says he only wants to prove relation between this applicant and the parties names-).

Q What is your occupation? A Farmer.

Examination by L.P.Hudson.

Q How long have you known Mr. Lee this party who has just been on the stand? A Ever since I was big enough to recollect.

Q Acquainted with his father and mother? A Yes sir.

Q Also acquainted with the father and mother of William Been-
A yes sir.

Q You may state do you know the relationship between them. A They always claimed to be full sisters; Mrs. Been and Mrs. Lee.

Q They were known and recognized in the community in which they lived as full brothers and sisters, were they? A Yes sir.

Q That's all.

Witness excused.

The applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, dark brown hair; does not understand the Choctaw language and has no knowledge of the compliance on the part of any of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported all proceedings had in the above entitled cause on March 19, 1902, and that

this is a full, true and correct transcript of his stenographic notes
in said cause on said date.

Henry G. Haines

Subscribed and sworn to before me this 7th day of April, 1902.

Chamithell Wood

Notary Public.

Muskogee, Indian Territory, February 17, 1903.

Otis Lee,

Celony, Oklahoma.

Dear Sir:

You are hereby advised that on the 17th day of february, 1903, the Commaission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R. 41
Annie Catherine Cololasure, et al.,	M.C.R. 43
John H. Dunn, et al.,	M.C.R. 42
Mollie C. Little, et al.,	M.C.R. 5569
William H. Dunn, et al.,	M.C.R. 5015
Henry E. Dunn, et al.,	M.C.R. 4998
John H. Fraley, et al.,	M.C.R. 5894
William A. Fraley, et al.,	M.C.R. 5915
Ida F. Moore, et al.,	M.C.R. 5896
Mollie J. Perrymore, et al.,	M.C.R. 5895
John Fraley, et al.,	M.C.R. 6053
George W. Fraley,	M.C.R. 6054
Martha M. Thomas, et al.,	M.C.R. 4834
William Thomas,	M.C.R. 4836
Hilton Thomas,	M.C.R. 4837
George M. Thomas,	M.C.R. 4838
William Been, et al.,	M.C.R. 4675
McClelland Been,	M.C.R. 4833
Jenettie M. Lathrum, et al.,	M.C.R. 4835
William W. Lee, et al.,	M.C.R. 5567
Otis Lee, et al.,	M.C.R. 4967
Inez G. Curley, et al.,	M.C.R. 5541
Ob Dunn, et al.,	M.C.R. 5274
Arlena M. Kreipke, et al.,	M.C.R. 6219
John F. Zachary,	M.C.R. 6220
Irene J. Zachary, et al.,	M.C.R. 6217
Anna Belle Zachary,	M.C.R. 6218

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda I. Dunn, Annie Catherine Colclasure, Jennie Colclasure, Ottie Colclasure, Gracie Colclasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Barnie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Pearl E. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Bue Perrymore, Ora M. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank K. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Nora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George M. Thomas, William Been, Emily J. Been, Josie Been, Eggie M. Been, McClelland Been, Jenettie M. Lathrum, Johnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Icil Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Ines G. Curley, David Larton Curley, Ob Dunn, Ora Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlena M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by John H. Dunn for the identification of

Oct 10, 1908

his wife, Nellie Dunn, and by Nellie C. Little for the identification of her husband, Willie Little, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tams Dixby.

Acting Chairman.

Registered.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. HEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1000B.

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 4967

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 27, 1904.

Otis Lee,

Colony, Oklahoma Territory,

Dear Sir:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1905.

Respectfully,



Chairman.

No. 4967

For Identification as a Mississippi Choctaw.

Date MAR 10 1902

Name Otis Lee.

Age 31 - Blood 1/16

Post Office, Colony, Okla.

Father: Isaac Lee, l.
Sarah
Mother: Melvina " d

Claims through mother
Wife Eva Lee, l. w.
No claim for wife

Children:

Charity Melvina Lee 3m

Claims for self &
child —

H. L. Norman



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 26 1904

CHAIRMAN.

Department of the Interior.

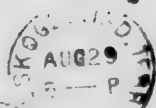
Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

General Office

M. C. R.

4967



Office 120.

Colony, Oklahoma.

Choctaw MCR 4968

Mary Thompson

See MCR 4552

MCR 4968

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 19, 1902.

4968

In the matter of the application of Mary Thompson for the identification of herself and her eleven minor children, Frank, Winnie, Pannie, Charley, Mamie, Arthur, Lillie, Earnest, Sam R., Etta May and Morgan Thompson, as Mississippi Choctaws.

A.S. McRea, att'y for applicants.

Mary Thompson being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary Thompson.
Q What is your age? A Forty four.
Q What is your post office address? A Bastrop County, Texas.
Q How long have you lived there? A All my life.
Q Were you born there? A Born and raised in Bastrop County.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A John William Gehltree.
Q How do you spell Gehltree? A I can't spell it.
Q O-o-h-i-l-t-r-e-e? A (No answer.)
Q What was your mother's name? A Winnie Gehltree.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A I claim a half.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
Q Have you proof of the marriage of your father and mother with you? A No sir.
Q Think you can produce that later? A I don't know.

(Attorney for applicant says yes.)

Q Do you know when they were married? A No sir.
Q Or where? A In Bastrop County; I don't remember just when.
Q By a minister and under a license? A Yes sir.
Q How much Choctaw blood did your father have? A Whole Choctaw.
Q What was your mother's race? A Her father was light and my mother was mulatto colored.
Q Were either of your parents slaves at any time? A No sir.
Q Are you married? A No -- yess sir.
Q Is your husband living? A Yes sir.
Q What is his name? A Charley Thompson.
Q Do you make any claim for your husband as a Choctaw Indian? A No sir.
Q Is he a negro? A Yes sir.
Q Now, give me the name of your oldest child that you want to make application for;-- A I have them copies off, for I can't read them.
Q Is Frank Thompson-- (reading from a paper the applicant hands in)-- the name of the first? A Yes sir.
Q How old is Frank? A Twenty.
Q Is Winnie the name of the second? A Yes sir.
Q A girl? A Yes sir.
Q How old is Winnie? A She is eighteen; the names are correct there.
Q Is Fannie the name of the next? A Yes sir.
Q How old is Fannie? A Seventeen; that's correct.
Q Charley? A Yes sir.
Q How old? A Fifteen.
Q Mamie? A Yes sir.
Q Is her age fifteen? A Yes sir.
Q Arthur? A Yes sir.
Q Is his age twelve? A Yes sir.
Q Lillie? A Yes sir.
Q Is her age ten? A Yes sir.
Q Is Earnest the next? A Yes sir.
Q Is his age eight? A Yes sir.
Q The next-- can you remember? A The next is Sam R., aint it?
Q How old is Sam R.? A Yes sir, that's it.
Q Etta May, is that the next? A Yes sir.
Q How old is she? A Aint it there on the paper as two? A
Q It is given on this paper as four; is that correct? A Yes sir.
Q What is the name of the last one? A Mergan.
Q How old? A He is one year old.
Q Well, it is given as two here. A Well, he is not quite two; he will be next birthday.
Q Well, you have got it down two-- is that right? A Yes sir.
Q Is Charley Thompson the father of these children? A Yes sir.
Q You are the mother of them? A Yes sir.
Q They all live with you at your home, do they? A Yes sir.
Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?
A No sir, I haven't; never.
Q Has any one for you or for your children? A No sir.
Q Has any one for you or your children ever made application for citizenship in the Choctaw nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory?
A No sir.

Q Neither have your children been admitted? A No sir.

Q Do you now come before the Commission for the purpose of identifying yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A No sir.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek on the 27th day of September, 1830. The object of that treaty was the removal of all the Choctaw Indians, if practicable, from the old Choctaw Nation in Mississippi, to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those who wanted to stay back in the old Choctaw Nation, article fourteen was put into the treaty of 1830. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply with the provisions of that treaty, do you know? A Well, my grandfather did; but I don't know whether it was at that time or not.

Q What was his name? A John Ochiltree.

Q What did John Ochiltree ever do, do you know? A No sir.

Q That is your grandfather, you say? A Yes sir.

Q How was that name spelled, do you know? A No sir.

Q Do you know whether your grandfather, John Ochiltree, appears upon any record as being a donee or claimant in any list contained in Vol. 7, American State Papers, and spelled John Ockittree? Did you ever hear? A My father said he was there but I don't know; I know he came under one of those treaties, but I don't know which one it was.

Q You think his name is in some list? A Yes sir.

On page 682 Volume 7 American State Papers in a list of military donations of 100 acres granted by the Governors to the militia in Vincennes on the 1st of August, 1790, marked "C", in the second column of present claimants, appears the name of John Ockittree; this second column contains the number of the tract allotted to such claimants by the Governors to the militia.

Q You claim that this is your ancestor, do you? A Yes, that's what I claim.

Q Did any of your Choctaw ancestors, or did John Ockittree, whom you claim to be your grandfather, own any improvements on land in Mississippi or Alabama in 1830? A Don't know whether it was in 1830 or not.

Q You don't know about that? A No sir, I don't know exactly about that.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A Yes, I think my grandfather.

Q John Ockittree? A John Ockittree.

Q What proof have you that he went to Col. Ward within six months after the ratification of the treaty of 1830-- A I just have what my father spoke of.

Q Did he receive any land in Mississippi under article fourteen of the treaty of 1830? A Yes sir.

Q Where was it located? A I don't know.

Q What became of it, do you know? A No sir.

Q Did you ever see a patent of it? A Never did.

Q You don't know what ever became of the land or patent? A No sir.

Q Or whether a patent was issued? A No sir.

Q And who told you he ever did receive land in Mississippi under article fourteen of the treaty of 1830? A I have heard my father speak of it; that's all.

Q Where did your father die? A In Bastrop County.

Q Where was he born? A In Mississippi.

Q He never lived on that land, did he? A Yes sir.

Q Do you know where it was then? A No sir, I can't tell just where he lived.

Q Did any of your Choctaw ancestors ever receive any land in Mississippi or Alabama under any other article of that treaty than article fourteen or under the supplement to that treaty? A No sir, none except my grandfather.

Q Did your grandfather claim under article fourteen or under article sixteen or nineteen or under the supplement that treaty?

A I don't know which one.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838 or 1840? A Not as I know of.

According to the provisions of article four teen of the treaty of 1830 the Indians who stayed in the old Choctaw Nation in Mississippi or Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent Col. Ward within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A great many Choctaw Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register; as a result of his neglect a great many Indians who held land in Mississippi upon which they had improvements had both taken from them and sold by the Government; so many complaints were made that a Commission was appointed in 1837 to go to Mississippi and hear claimants under article fourteen of that treaty; in 1842 by an act approved August 23, 1842, another Commission was appointed for the same purpose.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits under article fourteen of the treaty of 1830 as Choctaw Indians? A Under one, but I can't state just which one.

Q Did any of your Choctaw ancestors receive any scrip from the Government as Choctaw Indians which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of land which they had formerly occupied in Mississippi and which the Government had taken from them and sold? A I don't know; grand-father is the only one I know of.

Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws? A Yes sir.

Q What is your brother's name? A James Ochiltree; Philip Ochiltree and Sarah Roberson.

Reference to M.C.R. 4552, James Ochiltree.

Q Do you want to have the record made in these cases considered with yours so that that they will be considered together? A Yes sir.

Q Have you any documentary or tother evidence you want to introduce now? A Nothing now.

Q Would you like a little time? A Yes sir.

Reasonable time will be allowed this applicant in which to introduce further proof in support of this claim, if she desires.

Q Do you speak the Choctaw language? A No sir.

Q Do you know whether your ancestor, John Ochiltree spoke the Choctaw language? A Yes sir, if he was an Indian, of course he did.

Q You never saw him, did you? A No sir.

Q You don't really know, then, do you? A No sir; but I thought the full blood Choctaw Indians spoke Choctaw.

Q You assume that if he was a full blood Choctaw Indian he spoke the Choctaw language? A Yes sir.

Q But you have no further knowledge of that fact? A No sir.

This applicant has the appearance of one descended from mixed ancestry composed of white, negro and Indian blood; it appears that she shows a strain of Indian blood; she claims she has a half; she perhaps shows more Indian than she does negro blood; she has no knowledge of the Choctaw language and no knowledge of the compliance on the part of any of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported all proceedings had in the above entitled cause on March 19, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains.

Subscribed and sworn to before me this 7th day of April, 1902.

Harriet M. Wood

Notary Public.

COPY.

Muskegee, Indian Territory, December 1, 1902.

Mary Thompson,

Eastrop, Texas.

Dear Madam:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Ochiltree, et al., embracing the following applications for identification as Mississippi Choctaws:

James Ochiltree, et al.,	M.C.R. 4562
Mary Thompson, et al.,	M.C.R. 4968
William Ockittree, et al.,	M.C.R. 4995
George Ockittree, et al.,	M.C.R. 4996
Sarah Robinson, et al.,	M.C.R. 4900
Philip Ochiltree,	M.C.R. 4899
William Gage,	M.C.R. 5665
Isaac Ockittree, et al.,	M.C.R. 6239
Eliza Kilpatrick,	M.C.R. 6335
Louisa E. Burgess,	M.C.R. 6336
Abraham E. Halliday, et al.,	M.C.R. 6341

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

H.T.-----2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Ockiltree, Emma Ockiltree, Paulah Ockiltree, Viola Ockiltree, Mary Thompson, Frank Thompson, Winnie Thompson, Fannie Thompson, Charley Thompson, Mamie Thompson, Arthur Thompson, Lillie Thompson, Earnest Thompson, Sam R. Thompson, Etta May Thompson, Margie Thompson, William Ockiltree, Anna Ockiltree, Carrie Ockiltree, Sterling Ockiltree, George Ockiltree, George Ockiltree, Jr., Walter Ockiltree, Thomas Ockiltree, Leila Ann Ockiltree, Howard Ockiltree, Van Ockiltree, Lavinia Ockiltree, Chester Ockiltree, Ernest Ockiltree, Sarah Robinson, Mary Robinson, Allie Robinson, Sallie Robinson, Lee Roy Robinson, Philip Ockiltree, William Gage, Isaac Ockiltree, George Ockiltree, Mary Ockiltree, Joseph Ockiltree, Effie Ockiltree, Sarah Ockiltree, Eliza Kilpatrick, Louisa E. Burgess, Abraham E. Halliday and Theron Halliday as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Pickby
Acting Chairman.

Registered.

M.O.R. 4968

COPY:

Muskogee, Indian Territory, March 23, 1903.

Mary Thompson,
Eastrop, Texas.

Dear Madam:

You are hereby notified that on the 12th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of James Ochiltree, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

(BICENT.)

Tame Dixie.

Chairman.

Date

Jan 17 1902

Name Mary Thompson.

Age 44 - Blood 1/2 -

Post Office, Bastrop, Texas.

Father; John W. Chittree, d

Mother: Winnie " d

Claims through father
Husband Charley Thompson, l. neg.
No claim for husband

Children:	Frank Thompson	20
Winnie	" (F)	18
Fannie	" "	17
Charley	"	15
Mamie	"	13
Arthur	"	12
Lillie	"	10
Egbert	"	8
Sam R	"	6
Etta May	"	4
Morgan	"	2

claims for self and children

Stenographer H. G. Lains

Choctaw MCR 4969

Mary McDougal

See MCR 5618

MCR 4969

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 19, 1902.

4969

In the matter of the application of Mary McDougal for the identification of herself and her minor child, Frank F. McDougal, and her minor grandchild, Magnus McDougal, as Mississippi Choctaws.

L.P. Hudson, att'y for applicant.

Mary McDougal being sworn testified as follows:

Examination by the Commission:

Q What is your name? A Mrs. Mary McDougal.
Q What is your age? A Fifty three.
Q What is your post office address? A Holdenville, Indian Territory.
Q How long have you lived in Holdenville? A About six months.
Q Where did you live before that? A Coalgate, Indian Territory, Choctaw nation.
Q How did you live there; how long? A About nine months.
Q Where did you live before that? A In the Choctaw nation, close to the town of Newbury.
Q And lived there how long? A Three years.
Q How long have you lived in the Indian Territory altogether?
A About six years.
Q Where were you born? A Tennessee.
Q Did you come from Tennessee to the Territory? A No sir.
Q When you left Tennessee where did you go? A Into Arkansas.
Q Lived there how long? A Don't remember just exactly.
Q Did you live most of your life in Arkansas? A No sir.
Q Where did you live the most of your life? A I lived in Tennessee till I was 17 years old, then came to Arkansas.
Q Is your father living? A No sir, dead.
Q Is your mother living? A No sir, dead.
Q What was your father's name? A John William Adcock.
Q What was your mother's name? A Cynthia Posey, was her maiden name.
Cynthia Adcock, wasn't it? A Yes sir; she married Adcock.

Q You claim through which parent, your Indian blood? A Through my mother and father; through both of them.

Q How much Choctaw blood do you claim? A Three sixteenths.

Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I know.

Q Are you married? A Yes sir.

Q What is your husband's name? A Richard McDougal.

Q Is he living? A Yes sir.

Q Do you claim any Choctaw blood for him? A No sir; he is a white man.

Q Have you any children under twenty one years of age and unmarried for whom you wish to make application? A I have one son only under twenty one, and I have one grandchild.

Q Give me the name of your own child under twenty one and unmarried

A Frank F. McDougal; he was fifteen years old in January.

Q Have you any other children that you want to make application for?

A I have only my grandchild here; just this one.

Q You want to make application for this grandchild? A Yes sir.

Q What is the name of your grandchild? A Magnus McDougal.

Q How old is this child? A Three years.

Q What is the name of the father of Magnus? A John William McDougal

Q Is he living or dead? A Living.

Q Is he a white man? A Yes sir; he is my son.

Q Well, is he part Indian? A Yes sir, part Indian.

Q What is the name of the mother of this grandchild? A Lula B. McDougal.

Q Is she living? A She is dead.

Q Was she a white woman or Indian? A She was a white woman.

Q Why does not John Wm. McDougal, the father of Magnus, make application for his own son; he is living and has Indian blood? (No answer)

Q Is he taking care of this child? A No sir.

Q How long have you been taking care of this child? A Ever since it was eight months old.

Q It was given to you by its mother? A By its father.

Q He has renounced all claim to it? A Yes, its mine.

Q And you make claim for this child because he does not assume any responsibility for it and he would not make application for it?

A I don't know.

Q Have you legally adopted the child? A Just given to me by my son.

Q And he has, as far as possible, renounced all claim to the child?

A Yes sir.

Q Is Frank F. McDougal your son by Richard McDougal? A Yes sir.

Q And is living with you at your home? A Yes sir.

Q And Magnus is your son, John William's child is he not? A Yes sir

Q But he was given to you? A Yes sir.

Q When and where was your son, John William, married to his wife, Lula B. McDougal? A Texas.

Q Remember the date? A June 5th; I don't remember the year.

Q Were they married by a minister under a license? A I don't know.

Q Have you proof of their marriage with you? A No sir.

Q Is your name or the name of your son, Frank F. McDougal on any of the tribal rolls of the Choctaw nation in the Indian Territory?

A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your son, Frank, or has any one made such application for your grandson, Magnus, to the Choctaw tribal authorities in the Indian Territory? A They have not.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself, your son or your grandson to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you or your son, or your grandson ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A We have not.

Q Do you now come before this Commission to be identified as a Mississippi Choctaw claiming for yourself, your son and grandson?

A I do.

Q Do you understand the provisions of article fourteen of the treaty of 1830? A I do not.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place called Dancing rabbit Creek in the State of Mississippi on the 27th day of September 1830. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory and in order to preserve the rights and protect the interests of those Indians who elected to stay back in the old Choctaw Nation, article fourteen was drawn up and put into the treaty of 1830. The treaty was then signed and afterwards ratified. It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors ever comply with that article? A I don't know sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Annie Biddie-- (Attorney says it is B-i-d-d-i-e)-- is my great grandmother and my grandfather was Bartley Posey.

Q You claim through them both, do you? A Yes sir.

Q How much Choctaw blood did Bartley Posey have? A I don't know.

Q How much Choctaw blood did Annie Biddie have? A She was a half.

Q Who was Annie Biddie; what relation to you? A Her husband was my great grandfather; she was my great grandmother.

Q How was Bartley Posey related to you? A He was my grandfather.

- Q They belong to different lines, do they? A (No answer).
- Q Is Hartley Posey your grandfather on your father's side? A On my mother's side.
- Q And Annie Biddie is your great grandmother on whose side? A On both sides; my mother and father were cousins; the same woman was their grandmother.
- Q Did either Bartley Posey or Annie Biddie live in Mississippi in 1830 and have families there then? A I don't know.
- Q Did you ever hear that either of them lived in the State of Mississippi or Alabama? A They lived in Alabama; I don't know.
- Q Do you know in what County in Alabama? A No sir.
- Q Did they live in Alabama in 1830? A I think it was about that time as well as I can remember.
- Q It is a matter of family tradition with you? What you have heard in the family; what members of the family have told you about it? A Yes sir.
- Q How old would Bartley Posey be if living now? A Somewhere I expect about 100.
- Q Did Bartley Posey claim through father or mother? A Through his mother.
- Q What was his mother's name? A Annie Biddie.
- Q Bartley Posey, then, is the son of Annie Biddie? A Yes sir; you see Annie Biddie was the maiden name.
- Q She married a Posey? A Yes sir.
- Q This is mother and son? A Yes sir.
- Q Then did they both live in Alabama in 1830? A Yes sir.
- Q Which one of the two had a family in Alabama in 1830? Was it Annie Biddie? A Yes sir.
- Q Well, you say you claim through both parents; now whom do you claim through on your father's side? A Well, my great grandfather Posey died and my grandmother married a man named Falk and grandmother Adcock married Stephen Adcock.
- Q Well, who had Choctaw blood in that marriage? A It came down from Annie Biddie.
- Q Well, then on your mother's side? A From Annie Biddie.
- Q On both sides? On- intermarried relations? A Yes sir; cousins.
- Q Now, did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ard, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know sir.
- Q Did any of them go from that old Choctaw nation from Mississippi and Alabama to the Choctaw nation, Indian Territory, with the other Indians between 1833 to 1838 or 1840? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors claim any land in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.
- Q Did they claim any benefits as Choctaw Indians under any treaty made between the United States Government and the Choctaw Indians other than the treaty of 1830? A I don't know.

In 1837 a Commission was appointed by act approved March 3, that year, which Commission went to Mississippi and heard claimants under

article four teen of the treaty of 1830. In 1842 another Commission was appointed by act of Congress approved August 23, that year, 1842, and this Commission went to Mississippi and heard claimants under article fourt een of the treaty of 1830.

Q Did any of your Choctaw ancestor s appear before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.

The reason why these Commissions were appointed was because a great many Indians claimed they had gone to Col. Ward, the United States Indian agent, within six months after the ratification of the treaty of dancing rabbit Creek and told him that they wanted to stay in Mississippi, take land there and become citizens of the United States, but that he had failed to make a proper register of their names- so that when they took lands afterwards supposing that they were registered they were dispossessed by the Government because their names did not appear upon any list made by Col. Ward; this caused many complaints and resulted in the appointment of Commissions

Q You never heard that any of your ancestors went before either of them? A No sir.

Q Did any of your Choctaw ancestors receive any scrip from the Government as Choctaw Indians which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana to take the place of land which they had had in Mississippi and which the Government had taken from them and sold? A I don't know sir.

This scrip was issued pursuant to the provisions of an act of Congress approved August 23, 1842.

Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws;- any kin folks been here of yours?

A I don't know sir.

Q Have you any other evidence you want to introduce now or proof?

(Here L.P. Hudson, attorney, asks leave to file in the near future evidence in support of this claim.)

Q Do you speak Choctaw? A No sir.

Q Is there anything more you would like to say in support of this claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark blue eyes, gray hair formerly black/ as she states; she does not understand the Choctaw

language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on March 13, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 8th day of April, 1902.

Charles Mitchell Wood

Notary Public.

COPY.

Muskogee, Indian Territory, April 15, 1903.

Mary McDougal,

Holdenville, Indian Territory.

Dear Madam:

You are hereby advised that on the 15th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry N. Posey, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry N. Posey	M.C.R. 5618
Sarah Mathis, et al.	M.C.R. 5276
Lizzie Harger, et al.	M.C.R. 5639
Warner W. Mathis	M.C.R. 5637
Andrew Mathis	M.C.R. 5638
Sallie Nichols, et al.	M.C.R. 5640
Oliver K. Posey, et al.	M.C.R. 5271
Sarah Etta Moore, et al.	M.C.R. 5602
Mary V. Dear, et al.	M.C.R. 5601
Susan Ettie McKinley, et al.	M.C.R. 5603
William C. Posey	M.C.R. 5604
Mattie L. Gates, et al.	M.C.R. 5599
Penola V. Gates	M.C.R. 5600
Mary McDougal, et al.	M.C.R. 4969
Maggie Kuykendol, et al.	M.C.R. 5020
Alva McDougal	M.C.R. 5021
Homer H. McDougal, et al.	M.C.R. 5022
Stephen N. Adcock, et al.	M.C.R. 4970
Clementine Fish, et al.	M.C.R. 5018
Maggie Johnston, et al.	M.C.R. 5017
Stephen A. Fish	M.C.R. 5018
Maud Hull	M.C.R. 5019
Elijah A. Posey, et al.	M.C.R. 5613
Yancy A. Posey	M.C.R. 5617
Nancy I. Null	M.C.R. 5605
Rosazette Cherry, et al.	M.C.R. 5606
Lula Reardon, et al.	M.C.R. 5620

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry N. Posey, Sarah Mathis, Walter Glenn Mathis, Lizzie Harger, Lawrence Harger, Clarence Harger, Darven Harger, Warner W. Mathis, Andrew Mathis, Sallie Nichols, Lorena Nichols, Oliver K. Posey, Oliver K. Posey, Jr., Isaiah T. Posey, Bulah E. Posey, Gracey M. Posey, Dovey M. Posey, Henry H. Posey, Clarence Posey, Claudie Posey, Sarah Etta Moore, Laura V. Moore, Ollie Franklin Moore, Elvin Winslow Moore, Mary V. Dear, Minnie Lenora Dear, William Leonard Dear, Zulah Dear, Andrew Wesley Dear, Josie Dear, Susan Ettie McKinley, Homer H. McKinley, William C. Posey, Mattie L. Cates, Mansel Cates, Penola V. Cates, Mary McDougal, Frank F. McDougal, Magnus McDougal, Maggie Kuykendol, Tyre Kuykendol, Willie May Kuykendol, Jesse Kuykendol, Alva McDougal, Homer H. McDougal, Nancy Ellen McDougal, Stephen N. Adcock, John Pinkney Adcock, Clementine Fish, Willie Fish, Grover Cleveland Fish, Mamie Myrtle Fish, Maggie Johnston, Mamie Johnston, Pearl Johnston, Willie Johnston, Stephen A. Fish, Maud Hull, Eligh A. Posey, Elbert G. Posey, Seburn L. Posey, Mary A. Posey, Sarah V. Posey, Thomas A. Posey, Marion F. Posey, Walter L. Posey, Charles W. Posey, Jesse E. Posey, Leroy McQ Posey, Nancy A. Posey, Nancy I. Hull, Rosezette Cherry, Arthur Lee Cherry, Roy Cherry, Maggie Isabelle Cherry, Minnie Frances Cherry, Lula Beardon, James Beardon and Charles Beardon as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

Mary McDougal, --5

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S. G. N. 11)

Tame Bixby.

Chairman.

Registered.

Muskogee, Indian Territory, May 1, 1903.

Mary McDougal,

Oakman, Indian Territory

Dear Madam:

Receipt is hereby acknowledged of your letter of the 25th ultimo, relative to the decision of the Commission refusing your application for the identification of yourself, your minor child and grandchild, as Mississippi Choctaws. You state that you have received a letter from your brother relative to your case, but that you have not received any notice from the Commission.

In reply you are informed that on April 15, 1903, the Commission rendered its decision refusing your application, and on the same date you were notified by registered mail at your last known post office address, Holdenville, Indian Territory, of the action of the Commission and that you would be allowed fifteen days from the date of said decision within which to submit arguments in support of your claim to be forwarded to the Secretary of the Interior.

The fifteen days from April 15, 1903, heretofore granted you in this case, expired on April 30, 1903. On this date the record in your case, together with the decision of the Commission refusing the application made by you for the identification of

M McD 2

yourself, your minor child and grandchild as Mississippi Choctaws, was forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Respectfully,

Chairman.

M.O.R. 4989.

copy

Muskogee, Indian Territory, December 11, 1903.

Mary McDougal,

Haldenville, Indian Territory.

Replied. O. K. Man I. T. Feb 5. 1904.

Dear Madam:

You are hereby notified that on the 30th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry N. Posey et al., of which decision you were advised by registered mail on the 15th, day of April, 1903.

Respectfully,

6

James H. Hester
Chairman.

No. 4969

For Identification as a Mississippi Choctaw.

Date

MAR 11 1902

Name Mary McElougal

Age 53 Blood $\frac{3}{16}$

Post Office, Holdenville, I. T.

Father: John W. Adcock, d

Mother: Cynthia, " d

Claims through ~~her~~ both parents.
Newband

Richard McElougal, l. w.

No claim for hus-
band -

Children:

Frank F. McElougal 15

grand child -

Magnus McElougal. 3

father. John W. " l.

mother, Sula B. " d. w

Claims for self

children and grand-

children - H. S. Haines

Stenographer

Choctaw MCR 4970

Stephen N. Adcock

See MCR 5618

MCR 4970

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I.T. March 30, 1902.

4970

In the matter of the application of Stephen W. Adcock for the identification of himself and his minor child, John P. Adcock, as Mississippi Choctaws.

L.P. Hudson, att'y for applicants.

Stephen W. Adcock being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Stephen W. Adcock.
Q What is your age? A Forty nine.
Q What is your post office address? A Newburg, Indian Nation.
Q Indian Territory? A Yes sir.
Q How long have you lived at Newburg? A Off and on for five or six years I reckon; there and at Moldenville.
Q How long have you lived in the Indian Territory all together?
A Off and on about twelve years.
Q How long have you lived in the Indian Territory continuously last; that is without living any where else? A Something like two years.
Q Where were you born? A In Tennessee, Bedford County.
Q From Tennessee you went where? A Arkansas.
Q How old were you when you went to Arkansas? A Something like 16, 17 or 18 I reckon.
Q How long did you live in Arkansas? A About three or four years.
Q Then you went from there where? A Colorado.
Q From Colorado you went where? A Down into New Mexico.
Q From there where? A Arizona.
Q Then where? A Back to Arkansas, then back into Texas and then I went to the Nation-- I worked for the Pittsburg and Gulf R.R. that's what makes me in so many places.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A John W. Adcock.
Q What was your mother's name? A Cynthia H. Adcock.
Q Through which parent do you claim Choctaw blood? A Through both.

Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I know.

Q When and where were your father and mother married? A I think in Bedard - Bedford County, I don't know.

Q Have you proof of that marriage with you? A No sir.

Q How much Choctaw blood do you claim? A Something like 3/16 I reckon.

Q Are you married? A No sir.

Q Have you any children you want to make application for? A I have.

Q What is your wife's name? A Alice Gray-Adcock.

Q Is she dead? A No sir.

Q Are you divorced from her? A I suppose we are.

Q Did she bring an action of divorce? A I suppose she did.

Q How long since you have lived together? A It has been two years.

Q She left you did she? A No sir; there was a divorce both ways; there was a division each way.

Q But you don't know of any decree of divorce? A Only her statement.

Q You have never receive any official papers? A No sir.

Q Did you ever receive any papers in any action for divorce? A No sir.

Q She is a white woman, is she? A Yes sir.

Q You don't make any claim for her, then, as a Choctaw? A None whatever; I can't after her statement.

Q How many children have you under twenty one and unmarried- A I have one.

Q His name? A John Pinkney Adcock; J.P. or John P.

Q How old is he? A Five years old.

Q He is living with you? A Yes sir.

Q And you have charge of him? A Yes sir; not exactly living with me; I am boarding him out.

Q You are supporting him? A Yes sir.

Q You claim for yourself and this child, do you? A Yes sir.

Q When and where were you married to your wife? A At Cameron, I.T.

Q Do you remember the date? A No sir; I don't, exactly; the first part of 1896; I think it was in January.

Q Married by a minister and under a license? A No sir, it was by United States Clerk.

Q Have you proof of that marriage with you now? A No sir, I haven't.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities- A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation with your son, John, by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A Never have.

Q Do you now come before the Commission to identify yourself and your son as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A I do.

Q Understand that article of that treaty? A I don't know that I do.
Q You understand what a treaty is, don't you? A Yes sir.
Q It is a compact in writing made between two or more Nations and an article in a treaty is a subdivision of it. A treaty treats on different subjects and they are all subdivided under the head of articles. The treaty of 1830 was made between the United States Government and the Choctaw Indians at Dancing Rabbit Creek on the 27th day of September 1830. The object of the treaty was to remove as far as practicable all the Choctaw Indians from that old Choctaw Nation to the Choctaw Nation, Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians were unwilling to go to the Choctaw Nation, Indian Territory, and as some provisions was required to be made under that treaty, article fourteen was drawn up and put into the treaty; that article is as follows

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply with any of the provision of that article? A I don't know.
Q What is the name of your ancestor or ancestors through whom you claim your right to be identified as a Mississippi Choctaw? A --
Q I mean now going back to somebody-- A Annie Biddle.
Q Is there any other ancestor that you claim through both sides through? A --
Q That is through your father and mother? A Yes sir.
Q Your sister made application to be identified March 19, didn't she, as a Mississippi Choctaw? A Yes sir.
Q What was her name? A Mollie McDougal.

Reference to M.C.R. 4969.

Q She is the first one of your family that has appeared before the Commission, is she? A Yes sir.

Q Want to have her testimony taken in connection with yours?
A Just as you like, yes sir.
Q What relation was Annie Biddie to you? A Great grandmother.
Q How you say you claim through both father and mother; will you explain that? A I don't know.

By L.P.Hudson, att'y for applicants.

Q Just tell them. A Well, my father was an Adcock and his father was Stephen Adcock-
Q Was your grandfather and grandmother cousins? A Yes sir.
Q And their ancestor was the same party? A Yes sir.
Q This Annie Biddie was the same? A Yes sir.

Examination by the Commission:

Q Did annie Biddie or any of your Choctaw ancestors live in Mississippi or Alabama in 1830? A I don't know.
Q Know whether any of them had any family there at that time?
A I don't know.
Q How old would Annie Biddie be if living now? A I don't know.
Q Did she speak or understand the Choctaw language? A I don't know.
Q Did she have a Choctaw name? A I don't know.
Q Was Annie Biddie her maiden name or her married name? A I don't know that.
Q Did any of your Choctaw ancestors own or claim any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830?
A No sir, not that I know of.
Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, COL. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States?
A I don't know that.
Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians, between 1833 to 1838? A I don't know.
Q Did any of your Choctaw ancestors own any land or claim any in Mississippi and Alabama under article fourteen of the treaty of 1830? A Not that I know of.
Q Did any of them claim any land or own any in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know anything about it.
Q Did you ever hear that any of your Choctaw ancestors claimed any benefits as Choctaw Indians under any treaty made between the United States and the Choctaw Indians other than the treaty of 1830? A No sir.

The Indians who remained back in the old Choctaw nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United

States Indian agent, Col. Ward, who had an agency in Mississippi in 1830 and 1831, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States; a good many Choctaw Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register; his neglect to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both- they were taken from them by the Government and sold at Public Land Sale; this caused a good many complaints among the Choctaw Indians, so that in March 3, 1837, Congress appointed a Commission which went to the State of Mississippi and heard claimants under article fourteen. In 1842, pursuant to an act of Congress approved August 23, that year, another Commission was appointed which went to Mississippi and heard claimants under article fourteen.

Q Did any of your ancestors go before either of these commissions and claim benefits under article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen, if it also appeared that he had had land taken from him in Mississippi and sold by the Government that he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given to him.

Q Did any of your Choctaw ancestors receive any such scrip or certificates? A Not that I know.

Q Have you any other evidence that you want to introduce now?

(Here L.P. Hudson, attorney, asks leave to file such in the near future. Granted. Reasonable time allowed for this purpose.)

Q Do you speak or understand Choctaw? A No sir.

Q Is there anything further you would like to state now in support of this claim or any witnesses you would like to call? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium fair complexion, blue eyes, dark brown hair, somewhat gray; he has no knowledge of the Choctaw language and no knowledge of the compliance by his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full al

-4-
proceedings had in the above entitled cause on March 20, 1902, and
that this is a full, true and correct transcript of his stenographic
notes in said cause on said date.

Henry J. Hains

Subscribed and sworn to before me this 9th day of April, 1902.

Chas. Mitchell Wood
Notary Public.

COPY.

Muskegee, Indian Territory, April 15, 1903.

Stephen H. Adcock,

Newburg, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry H. Posey, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry H. Posey,	M.C.R. 5618
Sarah Mathis, et al.,	M.C.R. 5626
Lizzie Harger, et al.,	M.C.R. 5639
Warner W. Mathis,	M.C.R. 5637
Andrew Mathis,	M.C.R. 5638
Sallie Nichols, et al.,	M.C.R. 5640
Oliver K. Posey, et al.,	M.C.R. 5671
Sarah Etta Moore, et al.,	M.C.R. 5602
Mary V. Dear, et al.,	M.C.R. 5601
Susan Ettie McKinley, et al.,	M.C.R. 5603
William C. Posey,	M.C.R. 5604
Mattie L. Cates, et al.,	M.C.R. 5599
Penola V. Cates,	M.C.R. 5600
Mary McDougal, et al.,	M.C.R. 4949
Maggie Kuykendol, et al.,	M.C.R. 5020
Alva McDougal,	M.C.R. 5021
Homer H. McDougal, et al.,	M.C.R. 5022
Stephen H. Adcock, et al.,	M.C.R. 4970
Clementine Fish, et al.,	M.C.R. 5016
Maggie Johnston, et al.,	M.C.R. 5017
Stephen A. Fish,	M.C.R. 5018
Maud Hull,	M.C.R. 5019
Nlijah A. Posey, et al.,	M.C.R. 5613
Yancy A. Posey,	M.C.R. 5617
Nancy I. Hull,	M.C.R. 5608
Rosenetie Cherry, et al.,	M.C.R. 5606
Lula Reardon, et al.,	M.C.R. 5620.

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry N. Posey, Sarah Mathis, Walter Glenn Mathis, Lizzie Harger, Lawrence Harger, Clarence Harger, Darven Harger, Warner W. Mathis, Andrew Mathis, Sallie Nichols, Lorena Nichols, Oliver K. Posey, Oliver K. Posey, Jr., Isaiah T. Posey, Bulah E. Posey, Gracey M. Posey, Dovey M. Posey, Henry H. Posey, Clarence Posey, Claudie Posey, Sarah Etta Moore, Laura V. Moore, Ollie Franklin Moore, Elvin Winslow Moore, Mary V. Dear, Minnie Lenora Dear, William Leonard Dear, Zulah Dear, Andrew Wesley Dear, Josie Dear, Susan Ettie McKinley, Homer H. McKinley, William G. Posey, Mattie L. Cates, Mansel Cates, Penola V. Cates, Mary McDougal, Frank F. McDougal, Magnus McDougal, Maggie Kuykendol, Tyre Kuykendol, Willie May Kuykendol, Jessie Kuykendol, Alva McDougal, Homer E. McDougal, Nancy Ellen McDougal, Stephen N. Adcock, John Pinkney Adcock, Clementine Fish, Willie Fish, Grover Cleveland Fish, Mamie Myrtle Fish, Maggie Johnston, Mamie Johnston, Pearl Johnston, Willie Johnston, Stephen A. Fish, Maud Hull, Elijah A. Posey, Elbert G. Posey, Sebun L. Posey, Mary A. Posey, Sarah V. Posey, Thomas A. Posey, Marion F. Posey, Walter L. Posey, Charles W. Posey, Jossey N. Posey, Leroy McQ Posey, Yancy A. Posey, Nancy I. Hull, Rosezette Cherry, Arthur Lee Cherry, Roy Cherry, Maggie Isabelle Cherry, Minnie Frances Cherry, Lula Reardon, James Reardon and Charles Reardon as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office.

and that at the expiration of said term the papers in this matter, together with such comments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamr Bixby
Chairman.

Registered.

M.C.R. 4970

Muskogee, Indian Territory, April 29, 1903.

Stephen W. Adcock,

Newburg, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your argument in support of your application for identification as a Mississippi Choctaw and the same will be duly forwarded to the Secretary of the Interior with the record in the consolidated case of Henry W. Posey, et al., of which your application is a part.

Respectfully,

Chairman.

M.O.R. 4870.

copy.
Muskogee, Indian Territory, December 11, 1903.

Stephen M. Adcock,

Newburg, Indian Territory.

Dear Sir:

You are hereby notified that on the 30th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry M. Posey et al., of which decision you were advised by registered mail on the 15th day of April, 1903.

Respectfully,

(S. 10) *Sam. Dickey*
Chairman.

M C R 4970

Muskogee, Indian Territory, March 5, 1906.

S. N. Adcock,

Stuart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 27, 1906, requesting to be advised if there is any chance for a rehearing in the matter of your application for identification as a Mississippi Choctaw.

It appears from the records of this office that on November 30, 1903, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of April 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Henry N. Posey, et al., of which your application is a part.

Rehearings in Mississippi Choctaw cases are only granted where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and, as such, complied with the provisions of the 14th article of the Choctaw treaty of September 27th, 1830. A mere allegation that their ancestors so complied

S N A 2

is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of the 14th article of said treaty, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior, through the Commissioner to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when, and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

Respectfully,

Acting Commissioner.

No. 497

For Identification as a Mississippi Choctaw.

Date

June 2

1882

Name *Stephen N. Adcock.*

Age *49* — Blood *$\frac{3}{116}$*

Post Office, *Newburg, L.T.*

Father: *John W. Adcock, d*

Mother: *Cynthia H. " d*

Claims through both parents -
wife

Alice Adcock, w.l.

No claim for wife.

Children:

John P. Adcock. 5.

*Claims for self
and son.*

Stenographer *H. M. Haine*

Choctaw MCR 4971

Susie Degge

MCR 4971

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Susie Degge, et al.,
for identification as Mississippi Choctaws, M C R 4971.

List of papers forwarded to the Secretary of the Interior
with the record in the above case, together
with the page occupied by each
in said record.

Original application of Susie Degge, et al., for identification as Mississippi Choctaws.	Page. 1
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Final decision of the Commission in the case of Susie Degge, et al., applicants for identifica- tion as Mississippi Choctaws, refusing said application.	6
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Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, T.T. March 20, 1902.

4971

In the matter of the application of Susie Degge for the identification of herself and her four minor children, Homer, William, Earl and Ruth Degge, as Mississippi Choctaws.

L.P.Hudson, att'y for applicants.

Susie Degge being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Susie Degge.
Q What is your age? A Forty two.
Q What is your post office address? A Holdenville,
Q Indian Territory? A Yes sir.
Q How long have you lived at Holdenville? A About fifteen months.
Q Where did you live before that? A In Arkansas.
Q Where were you born? A In Arkansas.
Q You always lived in Arkansas until you went to Holdenville?
A No sir; we went to the Chickasaw Nation.
Q When did you go there? A About nine years ago.
Q Then you went where? A From there to Norman, Oklahoma, and then
back to Arkansas.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Bassel Davis.
Q What is your mother's name? A Missener Davis.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A About one eighth.
Q Has your father ever been recognized in any way or enrolled as a
member of the Choctaw tribe of Indians by either the Choctaw tribal
authorities or the authorities of the United States? A Not that I
knew of.
Q Have you proof of the marriage of your father and mother with you?
A No sir.

- Q Can you tell when they were married or where? A No sir I can't tell when but I can-- in Arkansas.
- Q Know whether they were married under a license by a minister?
- A I don't know.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Harry Degge.
- Q Is he living? A Yes sir.
- Q Is he a Choctaw Indian or a white man? A White man.
- Q Do you make any claim for him as having Choctaw blood? A No sir.
- Q Give me the oldest child under age and unmarried. A Homer Degge.
- Q How old is he? A Sixteen.
- Q What is the name of the next oldest child? A William Degge.
- Q How old is William? A Fourteen.
- Q The next one? A Earl Degge.
- Q How old? A Nine.
- Q The next? A Ruth Degge; seven.
- Q What's all the children, is it? A Yes sir.
- Q You claim for yourself and these children? A Yes sir.
- Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Is Harry Degge the father of these children? A Yes sir.
- Q And they are living with you at your home, ar they? A Yes sir.
- Q You and he are living together? A Yes sir.
- Q Were either of you married before you married each other? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896 for yourself and children? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A No sir.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September in that year and was made for the special purpose of removing as far as possible all the Choctaw Indians from that old Nation East of the Mississippi River to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory, and in order to protect the interests of those Indians who stayed back in that old Choctaw Nation article fourteen was put into the treaty of 1830; an article in a treaty is one of its subdivisions; this article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his in-

tention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your ancestors comply with the provisions of that article? A Not that I know.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A ---

Q Going back to your remote relatives- grandfather or grandmother- or great grandparents, whoever you claim through way back there?

A Grandfather Davis. His name was Alfred Davis.

Q Did he live in Mississippi in 1830? A Not that I know of.

Q Did he ever live in Mississippi? A I don't know.

Q Have you any ancestor claiming Choctaw blood who lived in Mississippi? A I don't know of any; my father was born and raised in Roan County, Tennessee.

Q Now, you claim through some ancestor who used to live in Mississippi, don't you? Did you ever hear of any such ancestor? A No sir.

Q How old would Alfred Davis be if living now? A I don't know.

Q Where was he born? A I can't tell you.

Q Know where he died? A He died in Tennessee.

Q As far as you know, in what State or States did he live? A In Tennessee is all that I know.

Q Do you know whether he claimed Choctaw blood from his father or mother? A I don't know.

Q How much Choctaw blood did he have? A I don't know.

Q Did he or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A Not that I know of.

Q Did you ever hear that any of your Choctaw ancestors went from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838 or 1840? A No sir.

Q Did any of your ancestors to your knowledge own any land or claim any in Mississippi or Alabama either under article fourteen of the treaty of 1830 or under any other article of that treaty or the supplement to that treaty? A Not that I know of.

Q Did any of your Choctaw ancestors claim any benefits under any treaty made between the United States Government and the Choctaw Indians other than the treaty of 1830? A Not that I know of.

The Choctaw Indians who remained in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian agent, Col. Ward within six months from its ratification and tell the agent that they intended to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names should have been placed on a list made by the United States Indian agent and known as Ward's Register, but he neglected to make a proper register of the names of many Indians who appeared before him under article fourteen for the purpose of registering: his neglect to do so caused many Indians who had land there and improvements to lose both for they were taken from them by the Government and sold at its Public Land sale. This caused so many complaints among the Indians that in 1837 by act of March 3, that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23, that year. These two Commissions made lists of the names of Choctaw Indians who came before them.

Q Do you know whether the names of any of your Choctaw ancestors appear on either the list made in 1837 or that of 1842? As Choctaw Indians claiming under article fourteen of that treaty? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the Government as Choctaw Indians entitling them to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of land which the Government had taken from them and sold? A Not that I know.

Q This scrip was issued under the act approved August 23, 1842. Have you any relatives who have been before the Commission claiming through Alfred Davis, the same common ancestor? A No sir.

Q What relation was Alfred Davis to you? A He was my father's father.

Q Have you any proof or other evidence you want to introduce farther? A --

(Here L.P. Hudson, attorney, asks leave to file further evidence in the near future. Granted, and reasonable time is allowed in which to do so.)

Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical appearance of being descended from white parentage; medium fair complexion, gray eyes, brown hair; has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the pro-

visions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on March 20, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 24th day of April, 1902.

Clara Mitchell Wood
Notary Public.

JRB
Coll.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Susie Degge, et al.,
for identification as Mississippi Choctaws, N C R 4971.

--: D E C I S I O N :--

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Susie Degge for herself and her four minor children, Homer, William, Earl, and Ruth Degge, under the following provision of the act of Congress approved June 28, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Alfred Davis, who is alleged to have been possessed of some Choctaw blood (degree thereof not stated).

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Alfred Davis, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 100), and August 23, 1842, (8 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susie Degge, Homer Degge, William Degge, Earl Degge and Ruth Degge as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen

2.
hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tams Dixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Mustoge, Indian Territory,

OCT 30 1902

COPY.

Muskogee, Indian Territory, October 30, 1902.

Mansfield, McMurphy & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Susie Degge, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susie Degge, Homer Degge, William Degge, Earl Degge and Ruth Degge as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case

W. H. A. S. S.

have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S) GNEI

James D. Dwyer

Acting Chairman.

COPY.

Muskogee, Indian Territory, October 20, 1902.

Susie Degge,

Holdenville, Indian Territory.

Dear Madam:

You are hereby advised that on the 20th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Susie Degge, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Susie Degge, Homer Degge, William Degge, Earl Degge and Ruth Degge as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen

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days from the date hereof within which to file comments in this office, and that at the expiration of said time the papers in the case, together with such comments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Dixby.
Acting Chairman.

Registered.

Muskogee, Indian Territory, November 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Susie Degge, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 30, 1902.

The Commission has the honor to report that the principal applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

James D. Dickey
Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. M C R 4971

Land.
69,057

COPY.
Department of the Interior,
Office of Indian Affairs,
Washington, Feb. 19, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Susie Degge for the identification of herself and her four minor children, Homer, William, Earl and Ruth Degge, as Mississippi Choctaws.

On October 30, 1902, the commission rendered a decision in this case finding that the evidence submitted by the applicants is insufficient to identify them as Mississippi Choctaws entitled to rights in the lands of the Choctaw Nation under the provisions of Article 14 of the Choctaw treaty of 1830.

An examination of the record evidence shows that the principal applicant, Susie Degge claims to have derived her Choctaw blood through her father, Russell Davis and her grandfather, Alfred Davis, but said evidence nowhere shows that either of said ancestors ever complied or attempted to comply with the provisions of article 14 of said treaty in any manner whatever.

There is no evidence in the record in this case which in any way tends to substantiate the claim of these applicants since neither of said ancestors ever received a patent for lands by reason of complying with said provisions, nor does it appear that either of them ever complied or attempted to comply with the provisions of said article, so far as the office records show.

The evidence does show that none of the applicants are of the full blood. By reason of the premises the office considers that the decision of the commission refusing to identify these applicants as Mississippi Choctaws be affirmed by the Department.

Very respectfully,

Commissioner.

(W. C. B.)

D. C. 8299

C O P Y
DEPARTMENT OF THE INTERIOR.
W A S H I N G T O N.

MAF.

ITD. 206 2-1903.

March 21, 1903.

L R S

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 15, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws of Susie Degge and her minor children, Homer, William, Earl and Ruth Degge, including your decision of October 30, 1902, refusing the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Alfred Davis, alleged to have been possessed of some Choctaw Indian blood.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Alfred Davis, or an ancestor less remote, complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513).

Reporting February 19, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision; a copy of his letter is inclosed.

The Department finds no reason to modify your decision and hereby affirms the same.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

M.C.R. 4971

JPY:

Muskogee, Indian Territory, March 30, 1903.

Susie Degge,

Holdenville, Indian Territory.

Dear Madam:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Susie Degge, et al., of which decision you were advised by registered mail on the 30th day of October, 1902.

Respectfully,

Tamm Dixie.
Chairman.

COPY:

Muskegee, Indian Territory, March 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Susie Degge, et al., of which decision you were advised by mail on the 30th day of October, 1902.

Respectfully,

Jams Bixby.

Chairman.

No. 4971

For Identification as a Mississippi Choctaw.

Date

Nov 22 1902

Name *Lucie Hegge.*

Age 42 Blood '18

Post Office, *Holdenville, I.T.*

Father; *Bazzel Davis, d*

Mother: *Missenar " l.*

Claims through *father.*
Husband.

Harry Hegge. l. w.

No claim for husband.

Children:

Normor Hegge. 16

William " 14

Earl " 9

Ruth " 7

*Claims for self
and children -*

Choctaw MCR 4972

Elizabeth Copeland

MCR 4972

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Elizabeth Copeland
et al., for identification as Mississippi Choctaws. M.C.R. 4972.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above entitled case.

Original application of Elizabeth Copeland
et al., to the Dawes Commission for identi-
fication as Mississippi Choctaws.....2

Decision of the Commission refusing the
application of Elizabeth Copeland, et al.,
for identification as Mississippi Choctaws....6.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, MARCH 20, 1902.

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In the matter of the application of Elisabeth Copeland for the identification of herself and her seven minor children as Mississippi Cheetaws.

Applicant represented at hearing by L. P. Hudson.

Elisabeth Copeland being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Elisabeth Copeland.
- Q What is your age? A I am forty-two.
- Q What is your post-office address? A Sacred Heart, Oklahoma.
- Q Oklahoma, did you say? A Yes, sir.
- Q How long have you lived at Sacred Heart? A A little over a year.
- Q Where did you live before you moved to Sacred Heart? A In the Cheetaw Nation.
- Q Where in the Nation? A In Scullyville county.
- Q How long did you live in the Cheetaw Nation at that time? A Nine years.
- Q For nine years previous to your moving to Oklahoma? A Yes, sir.
- Q Before you lived in the Territory where did you live? A In Arkansas.
- Q Were you born there? A No, sir.
- Q How long did you live in Arkansas? A Sixteen years.
- Q And where did you live before you lived there? A Tennessee.
- Q Were you born in Tennessee? A Yes, sir.

- Q At what place? A Green County.
 Q Is your father living? A No, sir.
 Q Is your mother living? A Yes, sir.
 Q What was your father's name? A John Mays.
 Q M-a-y-s, Mays? A Yes, sir.
 Q What is your mother's name? A Jane Mays.
 Q Through which parent do you claim Choctaw blood? A My father.
 Q How much Choctaw blood do you claim? A About one-eighth, I think.
 Q Was your father ever recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I don't know.
 Q When and where were your father and mother married? A In Tennessee.
 Q Do you remember the day of the month and the year? A No, sir.
 Q Have you proof of their marriage with you? A No, sir.
 Q Are you married? A Yes, sir.
 Q Is your husband living? A Yes, sir.
 Q What is his name? A Louis Copeland.
 Q L-o-u-i-s, Louis? A Yes, sir.
 Q Do you make any claim to Indian blood for him? A No, sir.
 Q He is a white man? A Yes, sir. He is white.
 Q And you don't make any claim as an Indian for him? A No, sir.
 Q Have you any children under twenty-one years old and for whom you also make application? A I have seven.
 Q None of them married? A No, sir.
 Q Give me the name of the oldest child? Maud Copeland.
 Q How old is Maud? A She is twenty.
 Q What is the name of the next child? Clayton Copeland.
 Q How old is he? A Eighteen years old.
 Q The next one? A Walter Copeland.
 Q How old is he? Sixteen.
 Q What is the name of the next one? A Lillie Copeland.
 Q How old is Lillie? A Fourteen years old.
 Q The next one? A Linnie Copeland.
 Q How old is Linnie? A She is fourteen.
 Q Are they twins? A Yes, sir.
 Q What is the name of the next one? A Estelle Copeland.
 Q How old is Estelle? A Eight years old.
 Q And the next one? Theodore Copeland.
 Q How old? Two years old.
 Q That's all, isn't it? A Yes, sir.
 Q You claim for yourself and these seven minor children do you? A Yes, sir.
 Q Are they all living with you? A Yes, sir.
 Q Are you and your husband living together? A Yes, sir.
 Q Were either of you ever married before you were married to each other? A No, sir.
 Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under

- the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted with your children to citizenship in the Choctaw Nation either by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before this Commission to identify yourself and for the identification of these minor children as Mississippi Choctaws claiming under article fourteen of the Treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? A I don't know.
- Q Did you ever have it explained to you; or did you ever read it or have any one explain it to you? A I suppose I have read it.
- Q Would you like to have the treaty explained to you? A Yes, sir.

The Treaty of Dancing Rabbit Creek was made between the United States Government and the Choctaw Tribe of Indians at a place in Mississippi called Dancing Rabbit, on the 27th day of September, 1830. Before the treaty was signed it became known that a good many Choctaw Indians wouldn't go to the Choctaw Nation in Indian Territory, and in order to protect the interests of these Indians who elected to remain in the old Choctaw Nation, article fourteen of the treaty of 1830 was drawn up and put into the treaty of 1830, and the article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half of that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article now? A Yes, sir.
- Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A John Mays.
- Q What relation was he to you? A My father.
- Q Now, go back a little further, and give the name of a more remote ancestor through whom you claim as a Mississippi Choctaw? A. Well, Jesse Mays was my grandfather.
- Q J-e-s-s-e-? A Yes, sir.
- Q Did he live in Mississippi in 1830 and have a family there? A I don't know.

- Q Did he ever at any time live in Mississippi? A I don't know.
- Q Can you give me the names of any of your ancestors who lived in Mississippi or Alabama in 1830? A I don't know of any.
- Q How old would Jesse Mays be if he were living now?
(By Mr. Hudson)--Just as near to it as you can guess.) A He would be over a hundred.
- Q Where was he born? A I don't know.
- Q Where did he die? A I don't know. In Tennessee, I think.
- Q Did he live in Tennessee? A Yes, sir.
- Q You do not think that he ever lived in Mississippi or Alabama?
A I don't know whether he did or not.
- Q And you don't know of any of your ancestors who lived in either Mississippi or Alabama at that time with a family? A I do not.
- Q You claim through your father? A Yes, sir.
- Q Did he ever live in Mississippi or Alabama? A I don't know.
- Q And your father's name was John Mays? A Yes, sir.
- Q How old would he be if he were living now? A He would be eighty years old, and he might be a little over that.
- Q Where was he born? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on any lands in Mississippi or Alabama in 1830? A I don't know whether they did or not.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Colonel Ward, and tell him that they wanted to stay in Mississippi and take lands there and become citizens of the States? A I don't know.
- Q Did any of your ancestors go from that old Choctaw Nation to the Choctaw Nation in Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors own or claim any lands in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors ever claim any benefits under any other article of the treaty of 1830 than article fourteen of that treaty? or under the supplement to that treaty? A I don't know.
- Q Did any of your Choctaw ancestors ever claim any benefits under any treaty made between the United States Government and the Choctaw Nation other than the treaty of 1830? A No, sir.
- Q Your answer was that you don't know. A I don't know.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi after the treaty of 1830 was ratified were required, if they wanted to take advantage of the provisions of that article, to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of that treaty, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the United States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list, known as Ward's Register. His neglect to make a proper and complete record of all Indians who came before him caused a great many Indians in Mississippi to lose both their land and their improvements, for both were taken from them by the Government and sold; this caused a good many complaints among the Choctaw Indians, so that in 1837, by act of Congress of March 3 of that year, a Commission was appointed by congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 Another commission was appointed by Congress for the same purpose,

by act of Congress approved August 23rd of that year. These commissions went to Mississippi and heard claimants under the article fourteen of the treaty of 1830 and made lists of their names.

- Q Did any of your Choctaw ancestors ever go before that commission and claim any benefits under the article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in either Mississippi, Alabama, Arkansas, or Louisiana, to take the place of lands which they had in Mississippi and which the Government took from them and sold? A I don't know. I don't know whether they did or not.
- Q This scrip was issued under an act of Congress approved April 3, 1842. Have you any relatives who have appeared before the Commission to be identified as Mississippi Choctaws and who claim through the same common ancestor? A I don't know of any.
- Are you the only one? Oh, yes, sir. I didn't understand your question. I am the only one.
- Q Have you any other evidence which you want to introduce? A No, sir.

Attorney for applicant here asks leave to furnish written evidence which will be filed in the near future.

Granted by the Commission.

- Q Is there anything else you think of and want to state? No, sir.
- Q Do you want to make any other statement about your claim? No, sir.
- Q Do you speak or understand the Choctaw language? A Very little of it.
- Q You never had any opportunities to learn it? A No, sir.
- Q Do you speak it well enough to talk with Indians? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. She is a brunette in color, dark complexion; has dark brown hair, black eyes; and she doesn't understand or speak the Choctaw language and has no knowledge of any compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

S. A. Apple, being sworn, on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on March 20, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Subscribed and sworn to before me this 20th day of March, 1902.

Charles H. Wood
Notary Public.

Allen.
C. v. W.

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

In the matter of the application of Elizabeth Copeland et al., for identification as Mississippi Choctaws. H.C.R. 4972.

--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Elizabeth Copeland for herself and her seven minor children, Maud, Clayton, Walter, Lillie, Linnie, Mattie and Theodore Copeland, under the following provision of the act of Congress approved June 24, 1898 (30 Stats., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty be-

(B).

tween the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Jesse Mays, who is alleged to have been a Choctaw Indian (degree of blood not stated).

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jesse Mays, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats. 180), and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that

(3).

the evidence herein is insufficient to determine the identity of Elizabeth Copeland, Elsie Copeland, Clayton Copeland, Walter Copeland, Lillie Copeland, Linnie Copeland, Estelle Copeland and Theodore Copeland as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James Bixby.

Acting Chairman.

I. B. Needles.

Commissioner.

C. R. Breckinridge.

Commissioner.

Waskogie, Indian Territory,

OCT 30 1902

Miss. Choctaw 4972
Miss. Choctaw 5271

Muskogee, Indian Territory, May 23, 1902.

J. L. Desmond,

Sacred Heart, Oklahoma,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 21, in which you ask if applications for identification as Mississippi Choctaws are being heard at Muskogee at this time; you also desire to know if L. A. Copeland and O. K. Posey have been registered as bona fide citizens.

In reply to your letter you are informed that the Commission is daily hearing applications for identification as Mississippi Choctaws at its office at Muskogee, Indian Territory.

You are advised that it does not appear from our records that any person by the name of L. A. Copeland has applied for identification as a Mississippi Choctaw, but Elizabeth Copeland, wife of Louis Copeland, on March 20, 1902, applied for the identification of herself and her seven minor children, Maud, Clayton, Walter, Lillie, Linnie, Estelle and Theodore Copeland, as Mississippi Choctaws. It also appears from our records that on April 19, 1902, Oliver K. Posey applied for the identification of himself and eight minor children, Oliver K., Isaiah T., Bulah R., Gracey M., Dovey M., Henry H., Clarence and Glaudie Posey, as Mississippi Choctaws. No decision has yet

J.L.D. 2

been reached nor opinion rendered relative to the rights of these applicants as Mississippi Choctaws. As soon as a decision is reached they will be advised of the action of the Commission.

If these are not the persons to whom you refer, and you will advise more fully concerning the full name, age, and address of the parties concerning whom you inquire, and such other information as would enable the Commission to identify them as applicants, the matter will receive further consideration.

Yours truly,

Acting Chairman.

COPY

Muskogee, Indian Territory, October 30, 1902.

Elizabeth Copeland,

Sacred Heart, Oklahoma.

Dear Madam:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Elizabeth Copeland, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Copeland, Maud Copeland, Clayton Copeland, Walter Copeland, Lillie Copeland, Linnie Copeland, Estelle Copeland and Theodore Copeland as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

-2-

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

CHIEF

Tame Dixby.
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, October 30, 1902.

Manafield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Elizabeth Copeland, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Elizabeth Copeland, Maud Copeland, Clayton Copeland, Walter Copeland, Lillie Copeland, Linnie Copeland, Mattie Copeland and Theodore Copeland as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

-2-

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of ~~that~~ time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Iame Bixby.
Acting Chairman.

COPY.

Muskogee, Indian Territory, November, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Elizabeth Copeland, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 30, 1902.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 4972

James B. Bledsoe

Acting Chairman.

Land.
69030-1902.

COPY
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON,

February 11, 1903.

The Honorable

The Secretary of the Interior:

Sir:

I have the honor to transmit herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Elizabeth Copeland, for herself and seven children, Maud, Clayton, Walter, Lillie, Linnie, Estelle and Theodore Copeland, wherein a decision adverse to the applicants was rendered by the Commission on October 30, 1902.

It appears from the evidence in this case that the applicants claim identification through their descent from Jesse Mays and John Mays. It is stated that Jesse Mays was head of a family in 1830, but the principal applicant is unable to state whether he was a recognized citizen of the Choctaw Nation, or complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, or received benefits thereunder.

The Commission bases its decision rejecting these parties on the ground that the name of Jesse Mays or the names of any ancestors less remote, do not appear upon its records as having complied or attempted to comply with the provisions of the 14th article

-2-

of the treaty of 1830.

An examination of the records of this office discloses the fact that the names of Jesse May and John Mays do not appear in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Treaty of 1830, and it is recommended that the decision of the Commission rejecting these parties be approved.

Very respectfully,

(Signed) A. C. Tomner

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

D.C. 7413-1903.

ITD. 1638-1903
LRS

COPY
DEPARTMENT OF THE INTERIOR.
WASHINGTON.

16795
MAF

March 13, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

November 15, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Elizabeth Copeland and her minor children, Maud, Clayton, Walter, Lillie, Linnie, Estelle and Theodore Copeland, including your decision of October 30, 1902, denying the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Jesse Mays, who is alleged to have been a Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Jesse Mays, or an ancestor less remote, complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 11, 1903, the Acting Commissioner recommends approval of your decision. A copy of his letter is inclosed.

-2-

Finding no reason to disturb your decision, the Department affirms the same.

Respectfully,

(Signed) F. L. Campbell

Acting Secretary.

1 inclosure.

M.O.R. 4972

COPY.

Muskogee, Indian Territory, March 23, 1903.

Elizabeth Copeland,

Sacred Heart, Okla.

Dear Madam:

You are hereby notified that on the 13th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Elizabeth Copeland, et al., of which decision you were advised by registered mail on the 30th day of October, 1902.

Respectfully,

James D. Dyer
Chairman.

M.O.R. 4973.

COPY.

Muskogee, Indian Territory, March 23, 1903.

Mansfield, McMurray & Gornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 13th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Elizabeth Copeland, et al., of which decision you were advised by mail on the 30th day of October, 1902.

Respectfully,

James Dixey
Chairman.

For Identification as a Mississippi Choctaw.

Date

MAR 20 1902

Name Elizabeth Copeland.

Age 42 — Blood 1/8

Post Office, Sacred Heart, Okla.

Father: John Mays, d.

Mother: Jane " l.

Claims through father
Husband Louis Copeland, l.w.

No claim for husband.

Children:

Maud Copeland, 20

Clayton " 18 ~~17~~

Walter " 16

Lillie " (twins), 14

Linnie " 14

Estelle " 8

Theodore " 2

Claims for self &
children

Stenographer S. A. Apple.

Choctaw. MCR 4973

Louisa U. Watson

MCR 4973

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

**In the matter of the application of Louisa V. Watson
et al., for identification as Mississippi Choctaws. M.C.R. 4978.**

List of papers forwarded to the Secretary of the Interior
comprising the record in the above entitled case.

Original application of Louisa V. Watson,
et al., to the Dawes Commission for iden-
tification as Mississippi Choctaws.....1

Decision of the Commission refusing the
application of Louisa V. Watson, et al.,
for identification as Mississippi Choctaws....8.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 20, 1902.

4973

In the matter of the application for identification as Mississippi Choctaws of Louisa V. Watson for herself and her three minor children William Dallas, Joseph Herod, and Dora Belle Watson.

L. P. Hudson attorney appearing for applicants.

Louisa V. Watson being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Louisa V. Watson.
Q W-a-t-s-o-n? A Yes, sir.
Q What is your age? A Fifty.
Q What is your post office address? A Holdenville.
Q Indian territory? A Yes, sir.
Q How long have you lived in Indian Territory? A Two years.
Q Where did you live before that? A Mississippi.
Q Did you always live in Mississippi before you came to the Territory? A No, sir; we moved from Mississippi to Arkansas.
Q How long did you live in Mississippi? A I could not tell you; I was born in Tennessee and left there when I was six years old.
Q And lived in Mississippi how long? A I don't know.
Q How long did you live in Arkansas? A Eleven years.
Q From there where did you go? A Nation.
Q And lived in the Nation how long? A Two years.
Q Where did you live most of your life? A Mississippi.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A Marshall Rich.
Q M-a-r-s-h-a-l-l is it? A Yes, sir.
Q What was your mother's name? A Fannie Elizabeth.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A About one-eighth I reckon.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.
Q Are you married? A Yes, sir.
Q What is your husband's name? A P. H. Watson.
Q Is he a white man and living? A White man.
Q You make no claim for him as an Indian? A No, sir; only myself and children.
Q How many children have you under age and unmarried? A Three.
Q What is the name of the oldest child? A William Dallas.
Q How old is William? A Twenty.
Q The next? A Joseph Herod.
Q How old is Joseph? A Thirteen.
Q The next? A Dora Belle.
Q How old is she? A Ten.

#2

- Q The next? A Dora Belle.
Q How old is she? A Ten.
Q You claim for yourself and these three children do you? A Yes, sir.
Q Is P. H. Watson the father of these children? A Yes, sir.
Q You are the mother? A Yes, sir.
Q They live with you at your home? A Yes, sir.
Q Were either you or your husband married before you married each other? A No, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q You never made application for your children? No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
Q Do you understand that article of that treaty? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September of that year, 1830, and was made for the especial purpose of removing the Choctaw Indians from the old Choctaw Nation to the Choctaw Nation Indian Territory. A great many Choctaw Indians however were unwilling to go to the Choctaw Nation, Indian Territory under that treaty with the other Indians and before the treaty of 1830 was signed an article was drafted to be put into the treaty called article fourteen and which was passed for the especial benefit of those Choctaw Indians who stayed back in the old Choctaw Nation. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of that article? A No, sir; not that I know of.

- Q What is the name of your ancestor and by that I mean your kin in a direct line back, through whom you claim your right to be identified as a Mississippi Choctaw? A My grandfather.
- Q What was his name? A William P. Ford.
- Q How much Choctaw blood did he have? A He was a half Choctaw.
- Q What relation to you, grandfather or great grandfather? A I don't know whether it was his mother or his father.
- Q What relation was he to you? A My grandfather.
- Q Did he live in Mississippi in 1830? A I don't know I reckon he did.
- Q Did he ever live in Mississippi? A Yes, sir.
- Q When did he die? A He has been dead about thirteen years.
- Q Do you know how old he was when he died? A About eighty-three.
- Q Where was he born? A In Tennessee.
- Q When did he remove to Mississippi? A I don't know when he did go to Mississippi; he came from Tennessee and went to Mississippi and stayed there until he died.
- Q How was it, he, having Choctaw blood, lived in Tennessee and was born there? A I don't know.
- Q Do you know whether he claimed Choctaw blood through his father or mother? A I don't know.
- Q You could not tell whether he lived in Mississippi in 1830 or not and had a family there then? A I know he had a family.
- Q But you don't know whether he lived there in 1830 or not? A No, sir.
- Q You don't know exactly how old he would be if he were living now? A No, sir; but somewhere over a hundred.
- Q Did your father live in Mississippi? A Yes, sir.
- Q Well, your father's name was Rick? A Yes, sir.
- Q Is this William P. Ford his father? A No, sir; my mother's father.
- Q You don't claim through your father? A No, sir.
- Q Was your mother born in Mississippi? A Born in Tennessee.
- Q And afterwards removed to Mississippi with her father? A No, sir; she died in Tennessee.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know sir.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830 or under any other article of that treaty or under the supplement of that treaty? A I don't know sir.
- Q Did any of your Choctaw ancestors claim any benefits under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I don't know.

According to the provisions of article fourteen of the treaty of Dancing Rabbit Creek, those Choctaw Indians who remained back in the old Choctaw Nation, after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent at his agency in Mississippi within six months from the ratification of the treaty, and signify to him their intention to remain in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians com-

plied with the provisions of article fourteen of the treaty of Dancing Rabbit Creek and attempted to register their names with Colonel Ward within the time limited in that article but he failed to place their names upon his register and as the result of his neglect a good many Choctaw Indians who held land in Mississippi upon which they had improvements had them both taken from them by the government and sold at its public land sales. So many complaints were made on account of this that Congress appointed a Commission under an act of Congress approved March 3, 1837, which Commission went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek and also in 1842 under an act of Congress approved August 23rd of that year another Commission was appointed for the same purpose and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors appear before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of that treaty of 1830 and if it also further appeared that he had had land in Mississippi, taken from him and sold by the government that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas and that he should receive a certificate to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians? A I don't know sir.
Q Have you any relatives who have appeared before this Commission to be identified as Mississippi Choctaws claiming through the same ancestor through whom you claim? A I don't know sir.
Q Have you any proof, or any witnesses you desire to call now?

Here L. P. Hudson asks leave to file written evidence in support of this claim in the near future.

Motion granted if filed within the near future.

- Q Do you speak or understand the Choctaw language? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; medium dark complexion; brown hair. She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 20, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

Subscribed and sworn to before me this 5th day of April 1902.

G. Rosenwinkel
L. P. Hudson
Notary Public.

Oliver
C.O.W.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Louisa V. Watson
et al., for identification as Mississippi Choctaws. M.C.N. 4273.

--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Louisa V. Watson for herself and her three minor children, William Dallas, Joseph Herod and Dora Belle Watson, under the following provision of the act of Congress approved June 25, 1895, (30 Stats.495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September

(3).

twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one William P. Ford, who is alleged to have been a half-blood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said William P. Ford, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats. 180), and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of

(3)

Leslie V. Watson, William Dallas Watson, Joseph Harold Watson and
Eura Della Watson as Choctaw Indians entitled to rights in the
Choctaw lands under the provisions of said article fourteen of the
Treaty of eighteen hundred and thirty, and that the application
for their identification as such should be referred, and it is so
ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James Birby

Acting Chairman.

T. P. Needles

Commissioner.

ASSIGNED: C. R. Breckinridge.

Commissioner.

Washita, Indian Territory,

OCT 30 1902

COPY.

Muskogee, Indian Territory, October 30, 1902.

Louisa V. Watson,

Holdenville, Indian Territory.

Dear Madam:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Louisa V. Watson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Louisa V. Watson, William Dallas Watson, Joseph Herod Watson and Dora Belle Watson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case,

-2-

together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamio Duroy.

Acting Chairman.

Registered.

COPY.

M. C. R. 4973.

Muskogee, Indian Territory, October 30, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations;
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Louisa V. Watson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Louisa V. Watson, William Dallas Watson, Joseph Herod Watson and Dora Belle Watson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

--2--

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tamm L. May
Acting Chairman.

COPY.

Muskogee, Indian Territory, November 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Louisa V. Watson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 30, 1902.

The Commission has the honor to report that the principal applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tamc Dixby

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 4973.

Land.
69,053-1902.

C O P Y.
Department of the Interior,
Office of Indian Affairs,
Washington, Feb. 19, 1903.

The Honorable,

the Secretary of the Interior.

Sir:

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Louisa D. Watson for the identification of herself and her three minor children, William Dallas, Joseph Herod and Dora Belle Watson as Mississippi Choctaws.

On October 30, 1902, the commission rendered a decision in this case finding that the evidence submitted by the applicants is insufficient to determine their identity as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article 14 of the treaty of 1830, and that their applications for identification should be denied.

An examination of the record evidence shows that the applicants are not of the full blood. It further shows that they are descendants of one Fannie Elizabeth and through her of one William P. Ford through whom they claim to have inherited their Choctaw blood, but do not claim that either of these ancestors ever complied with the provisions of article 14 of said treaty.

The office records nowhere show that any person by the name of Fannie Elizabeth or William P. Ford ever complied with the provisions of said article 14 of the Choctaw treaty of 1830 or received a patent for land thereunder. The record evidence in no way supports the claim of the applicants, and the office therefore con-

-2-

siders that the decision of the commission herein should be affirmed and so recommends to the Department.

Very respectfully,

Commissioner.

(W.C.B.)

P.

D. C. 8303

C O P Y.
DEPARTMENT OF THE INTERIOR.
W A S H I N G T O N.

WHR.

I.T.D.2164-1903.
L R S

March 21, 1903.

The Commission

to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

November 15, 1902, you transmitted the record in the matter of the application of Louisa V. Watson, for the identification of herself and three minor children, William Dallas, Joseph Herod and Dora Belle Watson (M.C.R. 4973) as Mississippi Choctaws, including your decision of October 30, 1902, adverse to the applicants.

The principal applicant, Louisa V. Watson, a one-eighth blood Choctaw, is the daughter of Marshall and Fannie Elizabeth Rich, both now deceased. Descent is claimed by her through her mother, said Fannie Elizabeth Rich to her grandfather, one William P. Ford, an alleged half blood Choctaw.

From an examination of the records it does not appear that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Fannie Elizabeth Rich, nee Ford, or William P. Ford, or a less remote ancestor, complied or attempted to comply with the provisions of the 14th article of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

Reporting in the matter February 19, 1903, the Acting Commissioner of Indian Affairs stated:

The office records nowhere show that any person by the name of Fannie Elizabeth or William P. Ford ever complied with the provisions of said article 14 of the Choctaw treaty of 1830 or received a patent for land thereunder. The record evidence in no way supports the claim of the applicants and the office therefore considers

-2-

that the decision of the commission herein should be affirmed and so recommends to the Department.

The Department concurs in the recommendation of the Acting Commissioner, a copy of whose report is inclosed, and your decision of October 30, 1902, refusing to identify the applicants, is according hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY:

Muskegee, Indian Territory, March 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Louisa V. Watson, et al., of which decision you were advised by mail on the 30th day of October, 1902.

Respectfully,

Tame Dixie.
Chairman.

W.C.B.

COMMISSIONERS
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R.4973

ALLISON L. AYLESWORTH.
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 30, 1903.

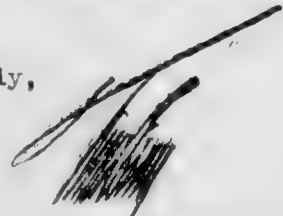
Louisa V. Watson,

Holdenville, Indian Territory.

Dear Madam:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Louisa V. Watson, et al., of which decision you were advised by registered mail on the 30th day of October, 1902.

Respectfully,



Chairman.

No. 4973

For Identification as a Mississippi Choctaw.

Date MAR 20 1902

Name Louisa V. Watson

Age 50 Blood 1/8

Post Office, Goldenville. I.T.

Father: Marshall Rich, d

Mother: Fannie E. " d

Claims through Mother
Husband

P. H. Watson, w. l

No claim for hus-
band

Children:

William W. Watson, 20

Joseph H. " 13

Clara Belle " 10

Claim for self
and children

4. P. H. Watson

4973

FILED

APR 22 1903

CHAIRMAN



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, MO. 1872.



Postage for private use, 1800.

Louisa V. Watson,

Holdenville, Indian Territory.

Choctaw MCR 4974

Robert L. Rogers

See MCR 5024, 5025, 4975

MCR 4974

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Robert L. Rogers, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Robert L. Rogers, et al.,	M.C.R. 4974
Doke Reed,	M.C.R. 5024
Sam Morris,	M.C.R. 5025
Nancy C. Victory,	M.C.R. 4975.

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Robert L. Rogers, et al.

(Page)

Original application of Robert L. Rogers, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Original application of Doke Reed before the Dawes Commission for identification as a Mississippi Choctaw.....	6
Original application of Sam Morris before the Dawes Commission for identification as a Mississippi Choctaw.....	11
Original application of Nancy C. Victory before the Dawes Commission for identification as a Mississippi Choctaw.....	16
Decision of the Commission refusing the applications in the consolidated case of Robert L. Rogers, et al., applicants for identification as Mississippi Choctaws.....	20

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Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 30, 1902.

4974

In the matter of the application for identification as Mississippi Choctaws of Robert L. Rogers for himself and for his wife Emily H. Rogers.

L. P. Hudson, attorney appearing for applicants.

Robert L. Rogers being first duly sworn testified as follows;

Examination by the Commission

- Q What is your name? A Robert L. Rogers.
Q What is your age? A Forty-one.
Q What is your post office address? A Holdenville.
Q I.T.? A Yes, sir.
Q How long have you lived in Holdenville? A One year.
Q Where did you live before that? A In Choctaw.
Q How long did you live in the Choctaw Nation? A I lived there over four years.
Q How long have you lived in Indian Territory? A Twelve years.
Q Where did you live before that? A I lived in Alabama.
Q Where were you born? A Born in Alabama.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A His name was John Rogers.
Q What was your mother's name? A Her name was Laney Rogers.
Q You claim through your mother or father? A Father.
Q How much Choctaw blood do you claim? A I claim one-eighth.
Q Has your father ever been recognized in any way or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the United States authorities? A I don't know sir.
Q Did you ever hear that he was? A No, sir.
Q Did he ever live in Indian Territory? A No, sir; not that I know of.
Q Where did he die? A In Alabama.
Q Was he born in Alabama? A My father?
Q Yes? A Yes, I think he was.
Q Did he always live there? A Yes, sir.
Q When and where were your father and mother married do you know? A They were married in Jefferson, Alabama.
Q You remember the day of the month and year? A No, sir.
Q Have you proof of their marriage with you? A No, sir.
Q Are you married? A Emily H.
Q Is she living? A Yes, sir.
Q Is she a Choctaw or white woman? A Choctaw.
Q Do you make any claim for her? A Yes, she will make her own claim.
Q You don't care to make any claim for her; is she here now? A Yes, sir.
Q You make a claim for your wife then as a Choctaw Indian? A Yes, sir.

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- Q What is the name of the father of your wife? A David Bailey.
Q B-a-i-l-e-y? A Yes, sir.
Q What is the name of the mother of your wife? A Lidia Bailey.
(wife prompting who is present)
Q Is her father living? A No, sir.
Q Is her mother living? A No, sir.
Q Through which parent does your wife claim Choctaw blood? A
Father.
Q How much Choctaw blood did she claim through her father? A One-
eighth.
Q He had one-quarter? A Yes, sir.
Q Is your wife's mother Lydia a white woman? A Yes, sir.
Q She had no Choctaw blood? A No, sir.
Q Do you know whether your wife's father through whom she claims
her right to be identified as a Mississippi Choctaw was ever
recognized in any way or enrolled as a member of the Choctaw
tribe of Indians by the Choctaw tribal authorities or the United
States authorities in Indian Territory? A No, sir.
Q Do you know when and where your wife's father and mother were
married? A They was married in Georgia. (prompted)
Q Can you state the day of the month and year? A No, sir.
Q Have you, or has your wife, the marriage license here at this
time, of the marriage of her father and mother? A No, sir.
Q Have you any children for whom you want to make application
at this time? A No, sir; I have none, but my wife has one
by her first husband.
Q You have no children that you want to make application for? A
No, sir.
Q But you want to make application for a child of hers by a
previous marriage? A Yes, sir.
Q What is that child's name? A Lula.
Q L-u-l-a? A Yes, sir.
Q What is the full name? A Lula,---Fannie Lula. (by wife and
attorney; Zeurner)
Q How old is she? A Nineteen. (Prompted by wife)
Q Well she will have to make application for herself; is that
all the children? A Yes, sir.
Q Then you have no children that you want to make application
for? A No, sir.
Q Is your name or your wife's name on any of the tribal rolls
of the Choctaw Nation in Indian Territory? A Not that I know
of.
Q Have you ever made application for yourself and your wife for
citizenship in the Choctaw Nation to the Choctaw tribal au-
thorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw
Nation for yourself and your wife to the Commission to the Five
Civilized Tribes under the act of Congress of June 10, 1896? A
No, sir.
Q Have you or your wife ever been admitted to citizenship in the
Choctaw Nation by either the Choctaw tribal authorities, the
Commission to the Five Civilized Tribes or the United States
Court in Indian Territory? A No, sir.
Q Do you now come before the Commission to identify yourself
and your wife as Mississippi Choctaws claiming under article
fourteen of the treaty of 1830? A Yes, sir.
Q Do you understand that article of that treaty? A No, sir.

The treaty of 1830 was made between the United States govern-
ment and the Choctaw Indians at a place called Dancing Rabbit
Creek in the state of Mississippi and was signed on the 27th of

September of that year; later on the 24th day of February 1831 it was ratified. Before it was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory. This treaty was made at that time for the purpose of removing the Choctaw Indians from the old Choctaw Nation to the Choctaw Nation Indian Territory; in order therefore to protect the interests of those Choctaw Indians who stayed back there in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. The treaty was then signed and was afterwards ratified. That article is, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article; do you know? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A What was the names?
- Q Yes; the names of your ancestors that you claim through? A Allen Rogers.
- Q What relation was he to you? A My grandfather.
- Q Did he live in Mississippi in 1830? A I don't know sir.
- Q What was the name of your ancestor through whom you claim or through whom your wife claims her right to be identified? A Green Bailey (Prompted by wife)
- Q What relation was Green Bailey to your wife? A Grandfather. (Prompted by wife)
- Q Did he live in Mississippi in 1830? A No, sir. (Prompted)
- Q How old would Allen Rogers be if living now? A He would be about one hundred and twenty.
- Q How old would Green Bailey be if living now? A He would be about one hundred and ten I guess or twenty along there.
- Q Where was Allen Rogers born? A I don't know.
- Q Where was Green Bailey born? A I don't know.
- Q You don't know of any Choctaw ancestor of yours or your wife's that ever lived in the states of Mississippi or Alabama? A No, sir; (prompted by wife)
- Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors own any improvements of land in Mississippi or Alabama in 1830? A Yes, sir.
- Q Do you know where these improvements were located? A They was located on the Warrior River.
- Q Who held these improvements, an ancestor of yours or your wife's ancestor? A Mine.

- Q Did your wife's ancestors own any? A I don't know sir.
- Q Do you know what ever became of these improvements that your ancestor held? A No, sir; I don't know.
- Q Was that on the Warrior river in Mississippi? A Yes, sir.
- Q I asked you a little while ago whether any of your ancestors lived in Mississippi and you said you did not know; now they must have lived there? A That runs through Alabama.
- Q Well I asked you in Mississippi or Alabama; then he did not live in Mississippi? A They lived in Alabama; I don't know about them living in Mississippi.
- Q Now where in Alabama did he live; is the Warrior River in Alabama? A Little Warrior River.
- Q In what County is that? A In Jefferson County.
- Q Did your wife's people live in Alabama? A Yes, sir.
- Q Did her ancestor live there? A No, sir. (prompted by wife)
- Q Did Green Bailey or any of your wife's ancestors live in Alabama? A No, sir; her father lived there.
- Q Is her father living? A No, sir.
- Q How old would he be if living now? A No, answer. (by attorney, prompted by wife, ---Ninety-nine)
- Q Was he born in Alabama? A No, sir; born in Georgia.
- Q Did he live in Alabama in 1830 and have a family there then? A No, sir;----- I don't know she says/ (prompted by wife)
- Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know sir.
- Q Did any of your ancestors or your wife's ancestors own any lands or claim any in Mississippi or Alabama either under article fourteen of the treaty of 1830 or under any other article of the treaty of 1830 or under the supplement of that treaty? A Yes, sir.
- Q Who, owned land in Mississippi or Alabama under article fourteen or under any other article of that treaty? A My grandfather.
- Q Allen Rogers? A Yes, sir.
- Q Owned land where? A Village Creek on the Warrior River.
- Q Where did he get that land? A Well, I suppose, he bought it from the government.
- Q Then he did not get it from the government under the treaty of 1830? A No, sir.
- Q Did your wife's ancestor own any land in Mississippi or Alabama under article fourteen or any other article of the treaty of 1830? A I don't know. (Prompted by wife)

The Choctaw Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required, if they desired to take advantage of the provisions of article fourteen of the treaty of 1830, to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become a citizen of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to make a full and complete list of all Choctaw Indian claimants who came before him under article fourteen of the treaty of 1830 caused many Indians who held land in Mississippi upon which they had improvements to lose

them both, both were taken from them by the government and sold at its public land sales. This caused a good many complaints to be made so that in 1837 as well as in 1842, Commissions were appointed under various acts of Congress which Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under that article of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had formerly held in Mississippi and which the government had taken from them and sold? A I don't know.
- Q Have you any kin who have been before this Commission to be identified as Mississippi Choctaws claiming through the same common ancestor? A I don't know sir whether I have or not.
- Q Have you any further proof you want to introduce at this time.

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim in the near future.

Motion granted.

- Q Do you speak the Choctaw language? A No, sir.
- Q Do you know whether your wife's ancestors ever received any scrip from the government of the United States as Choctaw Indians? A No, sir.
- Q Do you know whether any of your wife's ancestors went before either the Commissions or 1837 or 1842 and claimed benefits as Choctaw Indians under article fourteen of the treaty of 1830? A Not that I know of.
- Q Do you know whether her ancestor Green Bailey or your ancestor Allen Rogers or any other ancestor of hers or yours spoke the Choctaw Indian language or had Choctaw Indian names? A I don't know.
- Q Does your wife speak the Choctaw language? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has dark complexion; dark hair and black eyes. He does not speak or understand the Choctaw language. His wife who appears at the same time before the Commission has the appearance and physical characteristics of being descended from white parentage; medium dark complexion; light brown hair and eyes. She does not speak or understand the Choctaw language and neither of them know of any compliance on the part of their ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 20, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

Subscribed and sworn to before me this 5th day of April 1902.

G. Rosenwinkel
Notary Public.

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COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Robert L. Rogers,
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

Robert L. Rogers, et al.,	M.C.R. 4974
Doke Reed,	M.C.R. 5024
Sam Morris,	M.C.R. 5025
Nancy C. Victory,	M.C.R. 4975.

--: D E C I S I O N :--

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Robert L. Rogers for himself and his wife, Emily H. Rogers; by
Doke Reed for himself; by Sam Morris for himself; and by Nancy C.
Victory for herself, under the following provision of the act of
Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation con-
cluded September twenty-seventh, eighteen hundred and
thirty, and to that end may administer oaths, examine
witnesses and perform all other acts necessary thereto
and make report to the Secretary of the Interior."

It also appears that the applicants, Robert L. Rogers,
Doke Reed and Sam Morris, claim rights in the Choctaw lands under

article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Allen Rogers, who is alleged to have been a full blood Choctaw Indian; and the applicants, Nancy C. Victory and Emily K. Rogers, claim such rights by reason of being descendants of Green Bailey, who is alleged to have been an one-half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Allen Rogers or Green Bailey, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen

or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Robert L. Rogers, Billy W. Rogers, Duke Reed, Sam Morris, and Nancy C. Victory as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED).

Tamc Bixoy.

Acting Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 7 1903

M.O.R. 4974.

Muskogee, Indian Territory, September 4, 1908.

John London,

Attorney at Law,

Poteau, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 30th ultimo, in which you state that you have been employed by Robert L. Rogers, who is an applicant for identification as a Mississippi Choctaw, to take the depositions of witnesses to be filed in support of his claim, and ask that you be allowed sufficient time within which to file such depositions.

In reply, you are informed that you will be allowed thirty days from the date hereof within which to file additional proof in this case.

Yours truly,

Acting Chairman.

M.C.R. 4974

Muskogee, Indian Territory, October 2, 1902.

John London,

Attorney at Law,

Holdenville, Indian Territory.

Dear Sir:-

The Commission is in receipt of your communication of September 29, 1902, wherein you enclose the affidavit of Robert L. Rodgers setting forth the reasons for desiring to have the depositions of certain witnesses taken in support of his application for identification as a Mississippi Choctaw before the Commission to the Five Civilized Tribes, also the direct interrogatories to be propounded to said witnesses and proof of service of copies thereof on the attorneys for the Choctaw and Chickasaw Nations.

These documents being in due form have been filed with and made a part of the record in the application of Robert L. Rodgers, et al. and when the required time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued and forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

Acting Chairman

M. C. R. 4974

Muskogee, Indian Territory, October 20, 1902.

Jehn London,
Attorney at Law,
Poteau, Indian Territory.

Dear Sir:

Enclosed please find a commission to take the deposition of Lee Boyd upon the direct and cross interrogatories thereto attached, the same to be read in evidence in the application of Robert L. Rodgers, et al., applicants for identification as Mississippi Choctaws. Attached to said commission are a caption and certificate which are to be filled out by the officer taking said deposition.

Upon receipt of these documents you will have the same placed in the hands of an officer authorized by law to take depositions, and upon the completion of the taking thereof have same returned to this Commission in order that the application in which they are to be filed may be brought to a final determination at as early a date as possible.

Respectfully,

Acting Chairman,

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G.H. 1

M. C. R. 4974.

Muskogee, Indian Territory, October 20, 1902.

John London,
Attorney at Law,
Poteau, Indian Territory.

Dear Sir:

Enclosed please find a commission to take the deposition of Calvin Williams upon the direct and cross interrogatories thereto attached, the same to be read in evidence in the application of Robert L. Rodgers, et al., applicants for identification as Mississippi Choctaws. Attached to said commission are a caption and certificate which are to be filled out by the officer taking said deposition.

Upon receipt of these documents you will have the same placed in the hands of an officer authorized by law to take depositions, and upon the completion of the taking thereof have same returned to this Commission in order that the application in which they are to be filed may be brought to a final determination at as early a date as possible.

Respectfully,

Acting Chairman.

1 inclosure.
G.H. 2

COPY.

M.C.R. 4974

Muskogee, Indian Territory, February 7, 1903.

Robert L. Rogers,

Remailed on July 27/03 to Oakman, I.T.
Heldenville, Indian Territory.

Dear Sir:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Robert L. Rogers, et al., embracing the following applications for identification as Mississippi Choctaws:

Robert L. Rogers, et al.,	M.C.R. 4974
Duke Reed,	M.C.R. 5024
Sam Morris,	M.C.R. 5025
Nancy C. Victory,	M.C.R. 4975

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Robert L. Rogers, Emily H. Rogers, Duke Reed, Sam Morris, and Nancy C. Victory as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

Robert L. Gentry, Jr.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Bixby.
Acting Chairman.

Registered.

Muskogee, Indian Territory, February 7, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Robert L. Rogers, et al., embracing the following applications for identification as Mississippi Choctaws:

Robert L. Rogers, et al.,	M.C.R. 4974
Duke Reed,	M.C.R. 5024
Sam Morris,	M.C.R. 5025
Nancy C. Victory,	M.C.R. 4976

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Robert L. Rogers, Emily H. Rogers, Duke Reed, Sam Morris, and Nancy C. Victory as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

L. M. & C., -2

time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

Tame Bixby.
Acting Chairman.

Muskogee, Indian Territory, February 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Robert L. Rogers, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 7, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

Robert L. Rogers, et al.	M.O.R. 4874
Doke Reed	M.O.R. 5034
Sam Morris	M.O.R. 5035
Nancy G. Victory	M.O.R. 4875

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

James B. Birney
Chairman.

Through the
Commissioner of Indian Affairs.
2 inclosures: M.O.R. 4874

(Copy)

Land
13,278-1903. DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington,

March 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, record and proceedings had before the Commission to the ~~Miss~~ Civilized Tribes, in the matter of the consolidated application of Robert L. Rogers for the identification of himself and his wife, Emily H. Rogers, Duke Reed for himself, Sam Morris for himself, and Nancy C. Victory for herself, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on February 7, 1903.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Allen Rogers and Green Bailey, who, it is claimed, were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the date of the making of the Choctaw treaty in 1830.

The Commission rejected the applicants because the names of the ancestors through whom they claimed did not appear among the names of those who complied or attempted to comply with the pro-

-2-

visions of the 14th article of the Choctaw treaty of 1830.

An examination has been made of the records of this office with reference to the names of Allen Rogers and Green Bailey, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case, it is evident that the decision of the commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

(Signed)

A. C. Tenner,

Acting Commissioner.

(E.B.H.)

P.

C O P Y

D.C.No.9961-1903.

DEPARTMENT OF THE INTERIOR. RAP.
WASHINGTON.

ITD.2998-1903.

April 4, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Ia. T.

Gentlemen:

February 24, 1903, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Robert L. Rogers and his wife Emily H. Rogers; of Duke Reed; of Sam Morris, and of Nancy C. Victory. Your decision, rendered February 7, 1903, is adverse to the applicants.

The applicants claim to be descendants of either Allen Rogers, alleged to have been a full blood Choctaw Indian, or Green Bailey, who is said to have been a half blood Choctaw Indian and to have resided in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that either of their alleged ancestors, or an ancestor less remote, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting March 17, the Acting Commissioner of Indian Affairs recommends that your decision be approved; a copy of his letter is inclosed.

The Department has reviewed the entire record, and, finding no reason to modify your decision, hereby affirms the same.

Respectfully,
(Signed)

THOS. HYAN
Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, April 18, 1903.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 4th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert L. Rogers, et al., of which decision you were advised by mail on the 7th day of February, 1903.

Respectfully,

SIGNED

James P. Picoby.
Chairman.

COPY

Muskogee, Indian Territory, April 18, 1903.

Robert L. Rogers,

Holdenville, Indian Territory.

Dear Sir:

You are hereby notified that on the 4th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert L. Rogers, et al., of which decision you were advised by registered mail on the 7th day of February, 1903.

Respectfully,

(SIGNED)

James D. Pickens
Chairman.

Washoe, Indian Territory, July 22, 1903.

Robert L. Rodgers,
Oakman, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, in which you ask to be advised the status of your application for identification as a Mississippi Choctaw.

In reply you are informed that on April 4, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application for the identification of yourself and wife as Mississippi Choctaws, of which departmental action you were duly advised on April 18, 1903, at Holdenville, Indian Territory, your last known post office address.

The Commission now considers your case closed.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, August 20, 1903.

Robert L. Rodgers,

Oakman, Indian Territory.

Dear Sir:

Your letter of August 6, addressed to the Secretary of the Interior has been by him referred to this Commission for consideration and appropriate action.

You ask therein why you are not enrolled. It appears from our records that Robert L. Rogers was an applicant to this Commission for the identification of himself and his wife, Emily H. Rogers, as Mississippi Choctaws, and on February 7, 1903, the Commission rendered its decision refusing this application for the reason that it did not appear that the applicants therein were the descendants of a Choctaw ancestor who complied with the provisions of the 14th article of the treaty of 1830, or whose claims thereunder were subsequently adjudicated by Commissions authorized by acts of Congress of March 3, 1837 and August 23, 1842.

The Secretary of the Interior having, on April 4, 1903, affirmed the decision of the Commission refusing these applicants, the Commission therefore considers the case closed.

Respectfully,

Commissioner in Charge.

MCR-4974.

Muskogee, Indian Territory, October 1, 1906.

R. L. Rodgers,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant in which you ask if court claimants can designate their prospective allotments pending final disposition of their rights to citizenship.

In reply to your letter you are advised that if you will state the name of the particular person or persons concerning whom you desire to be advised, also giving the time and place they made application for citizenship, your letter of September 22nd will receive proper consideration.

Please return this letter with your reply.

Respectfully,

Commissioner.

MUR-4974

Muskogee, Indian Territory, October 17, 1903.

Robert L. Rodgers,

Ada, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant relative to your being permitted to designate your prospective allotment pending final disposition of the applications heretofore made for the identification of Robert L. Rodgers et al. as Mississippi Choctaws.

In reply to your letter you are advised that on April 4, 1903, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes of February 7, 1903, refusing to identify you and your wife, Emily H. Rodgers, as Mississippi Choctaws.

Inasmuch as it does not appear that there is any motion for review or reconsideration of this case now pending the decision of the Department of April 4, 1903, is considered final, and you and your wife cannot be permitted to designate any lands as your prospective allotments,

Respectfully,

Commissioner.

I, B. F. Hackett, U. S. Marshal for Central District of the Indian Territory, hereby certify that I served the attached Interrogatories on the firm of Mansfield, McMurray & Cornish, Attorneys for the Chectaw and Chickasaw Nations of Indians, by delivering a true copy of same to Melven Cornish, a member of said firm at their office in the city of South McAlester, Ind. Ter., this 25th day of September A. D. 1902, at 9:00 o'clock A. M.

B. F. HACKETT,
U. S. Marshal.

By

E. Miller
Deputy

4974

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE PUBLIC UTILIZED TRAILS.

FILED

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ACTING COMMISSIONER

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John Landon

R. E. Roberts

William A. Howell

1888-1889

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William T. Kessel

4974

U. S. DEPARTMENT OF AGRICULTURE
BUREAU OF PLANT INDUSTRY
WASHINGTON, D. C.

1902

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ANTHONY C. ...

REFER TO M. C. R 4974

Robert L. Rogers et al

Consolidated

Allen Rogers

2

John Rogers ^{dead}
wife
Laney Rogers, ^{dead}

Nancy Jane Rogers, 47
^{married}
Wiley Reed

McK

Wiley Reed, 23. '18

Margaret Rogers, ^{dead}
^{married}
Wane Morris

McK

Sam Morris, 21. '18

Robert L Rogers 41. '18
^{married}

Emily H Bailey 18

Fannie Lula
^{married}
Zentner,

Green Bailey

8

David Bailey, 14. ^{dead}
wife
Selila or Lidia Bailey, ^{dead}

McK
4475

Nancy C. Bailey, 60. '18
^{married}
Scott Victory

Cases Connected by Intermarriage

No.

1974

For Identification as a Mississippi Choctaw.

Date

MAR 20 1902

Name Robert L. Rogers.

Age 41 — Blood $\frac{1}{8}$

Post Office, Goldenville, I. T.

Father: John Rogers, d

Mother: Laney " , d

Claims through father, — —
Wife,

Emily H. Rogers, l.
father, David Bailey, ^{Choctaw Ind.} d. $\frac{1}{8}$
mother, Lidia " d. w.

Children:

~~Lula Zimmerman~~ 10

Claims for self
and wife,

Choctaw MCR 4975

Nancy C. Victory

See MCR 4974

MCR 4975

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T. March 20, 1902.

4975

In the matter of the application for identification as a
Mississippi Choctaw of Nancy C. Victory.

L. P. Hudson, attorney appearing for applicant.

Nancy C. Victory being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Nancy C. Victory.
Q What is your age? A Sixty.
Q What is your post office address? A Holdenville.
Q Indian Territory? A Yes, sir.
Q How long have you lived at Holdenville? A One year.
Q How long have you lived in Indian Territory? A About fifteen
years.
Q Where did you live before that? A In Georgia and Alabama.
Q Where were you born? A In Georgia.
Q How old were you when you went to Alabama? A Ten years old.
Q You lived in Alabama how long? A Until I was forty.
Q And then you went where? A To the Indian Territory?
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A David Bailey.
Q What was your mother's name? A Delila Bailey.
Q D-e-l-i-l-a? A Yes, sir.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A About one-eighth I
reckon.
Q Has your father ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the United States authorities in Indian Terri-
tory? A I don't know.
Q Do you know when and where your father and mother were married?
A No, sir; I do not.
Q Have you proof of their marriage with you? A No, sir; I have
not.
Q Were they married by a minister and under a license? A Yes, sir.
Q You don't know when? A No sir.
Q Is your husband living? A No, sir.
Q Have you any minor children that you want to make application
for? A No, sir.
Q What was your husband's name? A Scott Victory.
Q Is your name on any of the tribal rolls of the aChoctaw Nation
in Indian Territory? A I don't know.
Q Did you ever make applicat ion for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in Indian Territory?
A No, sir.
Q Did you ever make application for citizenship in the Choctaw
Nation to the Dawes Commission under the act of Congress of June
10, 1896? A No, sir.

#2

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?
A No, sir.

Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.

Q Do you understand that article? A No, sir.

In 1830 a treaty was made between the United States government and the Choctaw Indians called the treaty of Dancing Rabbit Creek because it was made at a place by that name in Mississippi on the 27th of September 1830. The object of that treaty was to secure the removal of all the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would absolutely refuse to go to the Choctaw Nation Indian Territory with the other Indians, and, in order to protect the interest of those Indians who remained back there, article fourteen was put into the treaty of 1830. It then became signed and afterwards was ratified on the 24th of February 1831. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that well enough to claim under it?
A Yes, sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Bailey.

Q What is the full name? A Green Bailey.

Q Did Green Bailey or any of your Choctaw ancestors comply with the provisions of that article of that treaty, as quoted to you?
A No, sir; not that I know of.

Qc How much Choctaw blood did Green Bailey have? A I don't know.

Q Did he live in Mississippi or Alabama at any time? A Yes, he lived in Mississippi.

Q Where in Mississippi/ do you know? A No, sir; I do not recollect

Q Do you know what year; did he live there in 1830? A I don't recollect that either.

Do you know whether he had a family in Mississippi in 1830? A Yes, sir.

Q I thought you did not recollect about it? A Well I recollect his being there.

#3

- Q Well now, do you know whether he had a family in Mississippi in 1830? A No, sir.
- Q But he had a family there at some time? A Yes, some time.
- Q How old would he be if living now? A I expect about 120.
- Q This is your grandfather? A Yes, sir.
- Q You claim through your father? A Yes, sir.
- Q David Bailey was his son? A Yes, sir.
- Q Did David Bailey ever live in Mississippi? A I reckon he did when he was a child. I heard him say that.
- Q Was he born in Mississippi? A No, sir; in Putnam County, Georgia.
- Q How old would your father be if living now? A About one-hundred.
- Q Did he have a family in Mississippi in 1830? A No, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did you ever hear that any of your Choctaw ancestors went from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A No, sir; I did not.
- Q Did any of your Choctaw ancestors own any land in Mississippi or claim any under article fourteen of the treaty of 1830 or under any other article of that treaty or under the supplement of it? A I don't know.
- Q Did they claim any benefits under any treaty made between the United States government and the Choctaw tribe of Indians other than the treaty of 1830; do you know? A No, sir; I don't.
- Q Did any of your Choctaw ancestors go before the Commission appointed under an act of Congress approved March 3, 1837, or before the Commission appointed under an act of Congress approved August 23, 1842 and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q The reason why these two Commissions were appointed was because a good many Choctaw Indians claimed that they had gone before Colonel Ward, the United States Indian Agent to register their names with him under article fourteen and within six months from the ratification of the treaty of 1830, but, he had failed to put their names upon his register and for that reason the lands which they had in Mississippi were taken from them by the United States government and sold at its public land sales. On account of the numerous complaints made Congress appointed these two Commissions. You don't know whether any of your ancestors went before either of these two Commissions? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the United States government which entitled them to select land in either Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had in Mississippi and which the government had taken from them and sold? A I never heard them say.
- Q Never heard about that? A No, sir.
- Q Have you any other evidence that you want to introduce now?

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim in the near future.

Motion is granted.

#4

- Q Do you speak the Choctaw language? A No, sir.
Q Have you any relatives who have appeared here before the Commission to be identified as Mississippi Choctaws claiming through Green Bailey? A I have a sister.
Q Give her name? A Emily H. Rogers
Q Would you like to have her case considered with yours? A Yes, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown eyes; dark hair, now somewhat gray. She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as Stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 20, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 12th day of April 1902.

Harriet Hillwood

Notary Public.

COPY.

M.C.R. 4975

Muskogee, Indian Territory, February 7, 1903.

Nancy C. Victory,

Holdenville, Indian Territory.

Dear Madam:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Robert L. Rogers, et al., embracing the following applications for identification as Mississippi Choctaws:

Robert L. Rogers, et al.,	M.C.R. 4974
Duke Reed,	M.C.R. 5024
Sam Morris,	M.C.R. 5025
Nancy C. Victory,	M.C.R. 4975

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Robert L. Rogers, Emily H. Rogers, Duke Reed, Sam Morris, and Nancy C. Victory as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

Ency 6. Victory, -3

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Dixby.
Acting Chairman.

Registered.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

115-013.
REFER IN REPLY TO THE FOLLOWING

M.C.R. 4975

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 18, 1903.

Nancy C. Victory,

Holdenville, Indian Territory.

Dear Madam:

You are hereby notified that on the 4th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert L. Rogers, et al., of which decision you were advised by registered mail on the 7th day of February, 1903.

Respectfully,



Chairman.

No. — 1975 —

For Identification as a Mississippi Choctaw.

Date

Name Nancy C. Victory

Age 60 — Blood $\frac{1}{8}$

Post Office, Coldenville, L. I.

Father: David Bailey, d

Mother: Melila " + d

Claims through father.
Husband Scott Victory, d.

~~Children:~~

Claims for sep.

Stenographer G. Rosenmire

INTERIOR,
OF THE CIVILIZED TRIBES
FILED

APR 15 1903



CHAIRMAN

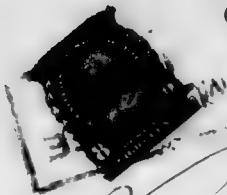
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Nancy G. Victory,

Holdenville, Indian Territory.

1880

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301

unclaimed



4975

File

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CHAIRMAN



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Department of the Interior.

Commission to the Five Civilized Tribes,

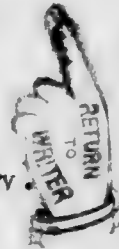
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Nancy C. Victory,

Holdenville, Indian Territory.



Choctaw| MCR 4976

John T. Ables

See MCR 4977

MCR 4976

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 20, 1902.

4976

In the matter of the application for identification as Mississippi Choctaws of John Thomas Abels for himself and his three minor children, Luther, Arthur, and Annie Abels.

G. E. Rider, attorney appearing for applicants.

John Thomas Abels being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A John Thomas Abels.
Q A-b-e-l- s? A Yes, sir.
Q What is your age? A Thirty.
Q What is your post office address? A Madill.
Q Indian Territory? A Yes, sir.
Q How long have you lived there? A Six months.
Q Where did you live before you lived there? A Texas.
Q Where were you born? A Born in Alabama.
Q Where in Alabama? A In Calhoun County.
Q And lived in Alabama how long? A About eighteen months.
Q Then you went where? A Texas.
Q Lived in Texas how long? About twenty-eight years.
Q Then you went where? A To the Territory.
Q And lived here ever since? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Andrew Jackson Abels.
Q What is your mother's name? A Icie Ann.
Q How do you spell that? A I-c-i-e.
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q How much Choctaw blood do you claim? A I claim about one-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir; not that I know of.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Ella.
Q Is she living? A Yes, sir.
Q Do you claim that she is a Choctaw Indian or white woman? A White woman.
Q You make no claim for her as a Choctaw Indian then? A No, sir.
Q How many children have you? A Three.
Q What is the name of the eldest? A Luther.
Q How old? A Seven.
Q Next? A Arthur.
Q How old? A Six.
Q The next? A Annie.
Q How old? A Three.
Q Is Ella the mother of these children? A Yes, sir.
Q They live with you at your home? A Yes, sir.
Q You claim for yourself and these children? A Yes, sir.

- Q When and where were you married to your wife? A In McClelland County, Texas.
- Q By a minister under a license? A Yes, sir.
- Q You remember the day of the month and year? A It was the 15th day of November, ninety-three.
- Q Have you proof of that marriage with you now? A No, sir.
- Q You think you could introduce it later if given time? A Yes, sir.

A reasonable time is allowed for that purpose.

- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself or any of your children to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever made application for citizenship for yourself and children to any authority before this, either to the Choctaw tribal authorities or the United States authority? A No, sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Commission to the Five Civilized Tribes, the Choctaw tribal authorities or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand article fourteen of the treaty? A No, sir; I don't understand it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi named Dancing Rabbit Creek on the 27th day of September of that year. The treaty was made for the principal purpose of removing, as far as possible, the Choctaw Indians who lived in the old Choctaw Nation East of the Mississippi River, to the Choctaw Nation Indian Territory. It became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory before the treaty was signed and in order to protect their interest and to get the treaty signed article fourteen was made for the especial benefit of Mississippi Choctaw Indians and their descendants and reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege

of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your ancestors complied or attempted to comply with the provisions of that article? A Yes, I think my grandfather did.
- Q What was his name? A William Simmons.
- Q He was your grandfather? A Yes, sir.
- Q How much Choctaw blood did he have? A I think he claimed about one-half or one-quarter.
- Q Did he live in the state of Mississippi in 1830 and have a family there then? A Yes, sir.
- Q What evidence have you that he lived in Mississippi in 1830 and had a family there then? A I have been told by my mother.
- Q Have you any records that can prove that fact? A I think I have.
- Q Think you can introduce that evidence later if given time? A A Yes, sir.
- Q Did he speak the Choctaw language or have a Choctaw Indian name? A He spoke Choctaw Indian but I could not say about the name.
- Q You have been told that in the family? A Yes, sir.
- Q Did he live in Mississippi all his life time? A Well no not all of his life. I think he lived there up to about thirty six or thirty-eight.
- Q Then he went where? A Probably to Alabama.
- Q Previous to his going to Alabama did he select any lands in Mississippi and hold it there under article fourteen of the treaty of 1830? A My grandmother said he did.
- Q Is she living now? A Yes, sir.
- Q Where is she? A She is at Madill.
- Q How old a woman is she? A About ninety.
- Q Your grandmother's name is what? A Simmons.
- Q Full name? A Lucretia.
- Q Is she the wife of William Simmons? A Yes, sir.
- Q She lived then in Mississippi in 1830? A Well I don't know whether she lived there in 1830 or not.
- Q Well she lived there as a married woman did she not? A No, sir; he was married twice.
- Q What was the name of William Simmons' first wife? A I don't remember.
- Q Lucretia Simmons was his second wife? A Yes, sir.
- Q Did William Simmons live in Mississippi in 1830 with his first wife and have children by her? A I think he had two children by his first wife.
- Q How old would he be if living now? A About ninety-six or eight probably a hundred.
- Q You know the year in which he was born? A No, sir.
- Q You know where he was born? A In Mississippi.
- Q When and where did he die? A In Alabama.
- Q In what year? A Seventy-three.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 or any time before that? A I could not say.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I think he did.
- Q Been told that in the family? A Yes, sir.
- Q Told so by Lucretia Simmons? A Yes, sir.

#4

- Q Have you any other evidence except that? A By my mother.
Q Your mother got it from Lucretia Simmons? A Yes, sir.
Q Have you any records of any kind that show that William Simmons complied with article fourteen of the treaty of 1830?

By attorney Rider.

We want to introduce the American State Papers, volume 7, page 637, deposition number 11, made in the state of Mississippi, Tallahatchee County, given by James Standley, on the 27th day of November, 1834, before Thomas Ringgold, Justice of the Peace of Tallahatchee County, Mississippi, to show that William Simmons in company with affiant went before Ward and was registered and afterwards, he, affiant, saw Simmons' name on the same book and also saw said Ward strike out the names of various persons also saw him strike out the name of one Indian who was not present and heard him, Ward, remark when he struck it out "that he reckoned that fellow did not wish to stay either."

By the Commission.

- Q You heard that record quoted and introduced here with reference to William Simmons? A Yes, sir.
Q Do you know that the William Simmons in that record in volume 7, of the American State Papers is the William Simmons who is your grandfather? A I have been told that.
Q You got your information that that is the identical person who is your grandfather through what you have been told in the family? A Yes, sir.
Q Your grandmother is now living? A Yes, sir.
Q Is it your purpose to produce her before the Commission to testify in this case? A I tried to but she was not able to come.
Q You propose to get her testimony before the Commission in some proper and legal manner? A Yes, sir.
Q Your claim then is that William Simmons your grandfather went to Colonel Ward within six months from the ratification of the treaty of 1830 and attempted to register his name as a Choctaw Indian claiming under article fourteen of the treaty 1830? A Yes, sir.
Q You don't claim that he or any other of your Choctaw ancestors went before any Commission, either that of 1837 or 1842 and claimed benefits as Choctaw Indians? A No, sir.
Q But he went before Ward himself within six months after the ratification of the treaty that is your claim? A Yes, sir.
Q The reason why I asked you that question is; that if he had gone before Colonel Ward within six months from the ratification of the treaty of 1830 and he failed to put his name upon that register made by Ward, he might afterwards go before the Commission appointed under an act of Congress of March 3, 1837 or he might have gone before the Commission appointed under an act of Congress approved August 23, 1842 and ask either of these Commissions to put his name down as an Indian who had complied with article fourteen of the treaty of 1830, but, you don't claim that he did that? A No, sir.
Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians under article fourteen of the treaty of 1830? A Not that I know of.
Q That scrip was issued under an act of Congress approved August 23, 1842, you never heard that they received any? A No, sir.
Q Have you any relatives who have appeared before this Commission to be identified as Mississippi Choctaws claiming through this same ancestor William Simmons? A I don't know.
Q Have you any other evidence or proof you want to introduce at this time? A No, sir.

By Attorney.

We would like to have his mother's case taken in connection with his.

By the Commission

- Q You have other relatives who are here to make application? A Yes, sir.
 Q Would you like to have your case considered with theirs? A Yes, sir.
 Q And all these cases considered together where they claim through William Simmons? A Yes, sir.

To attorney:

- Q Mr. Rider do you want time in which to introduce further evidence?

By. Mr. Rider.

We want time in which to introduce the deposition of Lucretia Simmons and probably that of Andrew J. Abels.

By the Commission.

A reasonable time will be allowed this applicant in which to introduce other proper proof in support of this claim.

- Q Do you speak or understand the Choctaw language? A No, sir.
 Q Is there anything further you want to state? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark hair; blue eyes; medium fair complexion. He does not speak or understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Witness after being excused and later recalled testified as follows:

Examination by the Commission.

- Q You spelled the name of your mother I-c-i-e; do you want to change it? A Yes, sir.
 Q How do you want to make it? A I-c-y.
 Q You spelled your name A-b-e-l-s; do you want to change it now? A Yes, sir.
 Q How do you want to spell it? A A-b-l-e-s.

Q. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 20, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

Subscribed and sworn to before me this 12th day of April 1902.

E. Rosenwinkel
Charles T. Allwood
 Notary Public.

Choctaw 284, 330.
Mississippi Choctaw
4976, 4977.

Muskogee, Indian Territory, September 10, 1902.

John D. Benedict,

Superintendent of Schools,

Muskogee, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 16, asking if the following named children are regularly enrolled as Choctaws by blood:

William Lee Buckles, age 11.	Luther Ables, age 7.
John B. Buckles, age 6.	Leonard Ables, age 11.
Fannie Buckles, age 9.	Leota Ables, age 11.
Arthur Ables, age 6.	Elizabeth Betay Mull, age 15.
	Sarah Leota Mull, age 13.

In reply to your letter you are advised that it appears from our records that William Lee Buckholts, Fannie Olive Buckholts and John B. Buckholts Jr., were, on October 1, 1896, listed for enrollment by this Commission as Choctaws by blood, having been identified from the 1896 Census Roll of the Choctaw Nation. Their ages at that time were seven, five and two years respectively.

It further appears from our records that Arthur Ables, age 6, Luther Ables, age 7, and Leonard and Leota Ables, age 11 years each, are applicants before this Commission for identification as Mississippi Choctaws, and that no decision nor opinion has yet been rendered relative to their rights as such Mississippi Choctaws.

J.D.P. 2

It also appears from the records of the Commission that on September 26, 1898, Fessie Hull and Leota Hull, whose ages at that time were eleven and ten years respectively, were listed for enrollment as Choctaws by blood, their names having been identified from the 1896 Census Roll of the Choctaw Nation.

It is believed that the children named above are the children referred to in your letter.

Yours truly,

Acting Chairman.

M C R 4976

Muskogee, Indian Territory, March 24, 1903.

John T. Ables,

Madill, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of the mother, Ella Ables, and that of the attending physician, L. B. Miller, relative to the birth of Lula Jewel Ables, August 5, 1902, and the same have been filed and made a part of the record in your case.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, April 29, 1903.

John T. Ables,
Madill, Indian Territory.

Dear Sir:

You are hereby advised that on the 29th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Icy Ann Ables, et al., embracing the following applications for identification as Mississippi Choctaws:

Icy Ann Ables, et al.,	M.C.R. 4977
Lula Wright, et al.,	M.C.R. 5060
William M. Ables, et al.,	M.C.R. 4980
Mary J. Warrock, et al.,	M.C.R. 4981
Sarah Ann Holt, et al.,	M.C.R. 4982
John Thomas Ables, et al.,	M.C.R. 4976
James A. Ables,	M.C.R. 4983
Joseph Edward Ables,	M.C.R. 4993
Robert Ables, et al.,	M.C.R. 4994
Ellen Carnes, et al.,	M.C.R. 4978
Josie B. Glenn, et al.,	M.C.R. 4979

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Icy Ann Ables, Andrew Jackson Ables, George Washington Ables, Leonard Ables, Leeta Ables, Lula Wright, James Dewey Wright, Mary Musett Wright, William M. Ables, Jesse B. Ables, William Lloyd Ables, Lillian Ables, Bertha Ables, William Monroe Ables, Mary J. Warrock, Willie May Warrock, Vera Ann Warrock, Lula Jewell Warrock, S. Gouldy Warrock, Sarah Ann Holt, Walter Andrew Holt, Opal May Holt, J. C. Holt, John Thomas Ables, Luther Ables, Arthur Ables, Annie Ables, Lula Jewel Ables, James A. Ables, Joseph Edward Ables, Robert Ables, John Lewis Ables, Ellen Carnes, Luther May Carnes, Ida Belle Carnes, Valeria M. Carnes, William Edward Carnes, Joseph Ernest Carnes, Luellen Carnes, Wiley Carnes, Dovie Carnes, Josie B. Glenn, Lee G. Glenn, Hessie M. Glenn, Josie B. Glenn (2), Edith E. Glenn and William Lewis Glenn, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tams Bixby.
Chairman.

Registered.

C O P Y

J.W.H.

DEPARTMENT OF THE INTERIOR,
WASHINGTON. FHE.

D.C. #14 (1905)

I.T.D. 10317-1904.
10600- "

December 30, 1904.

Direct.

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 15, 1903, you transmitted the record in the matter of the application of Icy Ann Ables (M.C.R. 4977), et al., for identification as Mississippi Choctaws. Said record was forwarded to the Department October 14, 1904, by the Acting Commissioner of Indian Affairs.

After the papers in the case were transmitted by you, a motion was filed through the Commissioner of Indian Affairs, addressed to the Secretary of the Interior, signed by John T. Ables, one of the applicants in the case, praying that the testimony be taken, by deposition or otherwise, of Thomas Sandwith Ashley, of Madill, Indian Territory. A copy of said motion was forwarded by registered mail September 20, 1904, to the attorneys for the Choctaw and Chickasaw Nations.

The motion of John T. Ables was subscribed by him under oath, and bears the certification of attorneys W. W. Wright and George E. Rider, to the effect that it was filed in good faith and not for the purpose of delay, and that in their

opinion it is material and necessary to the interests of the applicants in the case that the testimony of Mr. Ashley be taken. Attached to the motion is Mr. Ashley's affidavit, which contains statements which, if established, might possibly show satisfactorily that William Simmons, the ancestor of these applicants, was the identical William Simmons for whom land was reserved under the provisions of article 24 of the treaty of September 27, 1830.

Accordingly, the motion of John T. Ables is hereby granted. In view of the advanced age of Mr. Ashley, who is now about 86 years old, it is considered that his testimony should be taken as early as possible. If possible, you will secure the personal testimony of Mr. Ashley. If old age or infirmity prevents his appearance before you, you will cause his deposition to be taken without delay, advising all parties in interest thereof. It is requested that you give this matter immediate attention. Inclosed is the motion of John T. Ables, to which is attached the affidavit of Mr. Ashley. A copy of this letter has been furnished the Indian Office this day. In transmitting Mr. Ashley's testimony it is requested that you advise the Department as to what force, in your opinion, should be given to the same.

Respectfully,

THOS RYAN

1 inclosure.

Acting Secretary.

M C R 4976

Muskogee, Indian Territory, January 6, 1905.

John T. Ables,

Madill, Indian Territory.

Dear Sir:

You are hereby notified that in accordance with instructions contained in a letter from the Secretary of the Interior, under date of December 30, 1904, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Friday, January 20, 1905, at nine o'clock A. M., hear the testimony of Thomas Sandwith Ashley, of Madill, Indian Territory, whose testimony your attorneys have heretofore petitioned the Secretary of the Interior to receive in support of the consolidated Mississippi Choctaw case of Icy Ann Ables, et al.

Respectfully,

Chairman.

Registered.

M C R 4976

COPY.

Muskegee, Indian Territory, March 14, 1906.

John T. Ables,

Madill, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on February 26, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of April 29, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Icy Ann Ables, et al., of which the application for the identification of yourself and minor children is a part.

Respectfully,

SIGNED

Wm. C. Dool

Acting Commissioner.

COPY

MOR-4976

Muskogee, Indian Territory, January 19, 1907.

John T. Ables,
Madill, Indian Territory.

Dear Sir:-

You are hereby notified that on January 11, 1907, the Secretary of the Interior denied a motion, filed March 27, 1906, by W. W. Wright and Chester Howe, attorneys at law, Washington, D. C., for review of departmental decision of February 26, 1906, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of Icy Ann Ables et al., of which the application for the identification of yourself and children is a part.

Respectfully,

SIGNED *James Bixby.*

Commissioner.

Received of the Commission to the Five Civilized
Tribes one copy of the testimony of John Thomas Ables in the matter
of his application for the identification of himself and his minor
children as Mississippi Choctaws, M.C. 4976.

Geo. E. Filer

Dated at Madill, Ind. T.,
this May 8, 1902.

Copy of this testimony sent to Mansfield, McMurray & Cornish on
January 12, 1905.

Date

MAR 20 1902

Name John T. Abels^{les}

Age 30 — Blood ~~476~~ $\frac{1}{8}$

Post Office, Madill. I. T.

Father: Andrew J. Abels^{les} l.

Mother: Leij Ann " l.

Claims through mother
wife, Ella Abels^{les} l. w.

No claim for wife.

Children:

Luther Abels ^{les}	7
Arthur "	6
Annie "	3

Claims for self
& children

Stenographer L. R. Rasmussen

MCR 4977 Icy Ann Ables

DEPT INSTRUCTS COM in letter of 12/30/64 TO TAKE
TESTIMONY of Thomas Sandwith Ashley

ACTION approved by SEC OF INTERIOR Feb 26, 1966

Refer TO MCR 5060-4980-4981-4982-4976-
4983-4993-4994-4978-4979

MCR 4977

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 20, 1902.

4977

In the matter of the application for identification as Mississippi Choctaws of Icy Ann Ables for herself and her four minor children Andrew Jackson Jr., George Washington, Leonard and Leeta Ables.

G. E. Rider, attorney appearing for applicants.

Icy Ann Ables being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A I-c-y Ann A-b-l-e-s.
- Q What is your age? A Fifty-four.
- Q What is your post office address? A Madill, Indian Territory.
- Q How long have you lived in Madill? A About six months.
- Q Where did you live before that? A Texas.
- Q Were you born in Texas? A No, sir.
- Q Where were you born? A In Alabama.
- Q Where in Alabama? A On the Alabama River. It used to be Cherokee County and then it was Calhoun County.
- Q How long did you live in Alabama until you left there? A Until I was twenty years old.
- Q You went from there where? A To Northern Texas.
- Q How long did you live in Texas then? A About thirty years.
- Q Then you went to the Territory? A Yes, sir.
- Q And have lived there how long did you say? A About six months.
- Q What is your father's name? A My father?
- Q Yes? A William Simmons.
- Q Is he living? A No, sir.
- Q What is your mother's name? A Lucretia Simmons.
- Q Is she living? A Yes, sir.
- Q You claim your Choctaw blood through which parent father or mother? A Father.
- Q How much Choctaw blood do you claim? A About one-half I reckon.
- Q Do you claim that your father, William Simmons, was a full blood Choctaw? No, sir; his mother as well as I remember was a full blood; she was an Indian Doctor and his father was an Englishman I think.
- Q You claim then that William Simmons had how much Choctaw blood? A One-half I just suppose.
- Q How do you claim one-half? A Well because his father was an American man and his mother was a-----.
- Q No, No, you don't claim any Choctaw blood through Lucretia? A No, sir.
- Q You claim through William Simmons and claim one-half Choctaw blood but his wife you say was a white woman is that right; how much do you claim? A I don't know; about one-eighth I reckon.
- Q You claim your Choctaw blood through William Simmons do you not? A Yes, sir.
- Q You claim he was one-half? A Yes, sir.
- Q Did his wife Lucretia have any Choctaw blood at all? A No, sir not that I know of.
- Q Then you claim all

#2

- Q Then you claim all your Choctaw blood through your father? A Yes, sir.
- Q If he claimed one-half Choctaw blood how much would you have? A I don't know.
- Q One-half of one half is one-quarter; now then are you one-half of one-half? A I don't know.
- Q Yes you do; you know you are one half of what your father had? A Yes, sir.
- Q He had one-half; one-half of one-half is one-quarter is that right? A Yes, sir.
- Q Then you claim one-quarter do you? A Yes, sir.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A He told me that he was enrolled.
- Q In the Indian Territory? A In this Indian Territory?
- Q Yes? A No, sir.
- Q He never did live in the Indian Territory? A No, sir.
- Q But he told you that he was enrolled, where, in what state? A In Mississippi.
- Q We will get at that later; can you tell when and where your father and mother were married? A In Alabama.
- Q You remember when they were married; what day of the month and year? A No, sir; I don't remember that.
- Q Were they married; in what County were they married if you can tell? A I reckon in Cherokee County.
- Q Do you know whether they were married in the old Choctaw Nation in Mississippi or Alabama? A No, sir.
- Q Were they married by a minister and under a license? A I don't know.
- Q You don't know whether they were married according to the Choctaw custom? A No, sir.
- Q Have you proof of that marriage with you now? A No, sir.
- Q You think you can produce it later? A Yes, sir.

Attorney; we have it in another case.

By the Commission.

A reasonable time is allowed for the introduction of proof of this marriage.

- Q Is your husband living? A Yes, sir.
- Q What is his name? A Andrew Ables.
- Q Is that his full name? A Andrew Jackson Ables.
- Q Is he living now? A Yes, sir.
- Qx Do you claim any Choctaw blood for him or is he a white man? A He is a white man I guess; I don't claim Indian blood for him.
- Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A Yes, sir.
- Q Give me the name of the oldest please? A Andrew Jackson Ables. eighteen years old.
- Q Junior is that? A Yes, sir.
- Q Eighteen? A Yes, sir.
- Q Any others? A George Washington Ables.
- Q How old is he? A Sixteen.
- Q Any others? A Leonard Ables.
- Q How old is Leonard? A He will be eleven years old the 24th of March.
- Q What is the name of the next? A Leota.
- Q How do you spell that? A L-e-o-t-a.

#3

- Q Leonard and Leota are twins? A Yes, sir.
Q Both are eleven? A Yes, sir.
Q Any other children? A I have twelve children in all.
Q What is the name of the next? A The others are all over age.
Q Is Andrew J. Ables the father of these children? A Yes, sir.
Q They live with you at your home do they? A Yes, sir.
Q Were either you or your husband married before you married each other? A No, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your children to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Commission to the Five Civilized Tribes, the Choctaw tribal authorities or the United States Court in Indian Territory? A No, sir.
Q Do you now come before the Commission to be identified as a Mississippi Choctaw and for the identification of your children as Mississippi Choctaws claiming under the fourteenth article of the treaty of 1830? A Yes, sir.
Q Do you understand that article of that treaty? A No, sir.
Q You understand what a treaty is do you not? A Yes, sir.
Q Also what an article in a treaty is? A Yes, sir.

Well, the treaty of 1830, or as it is some times called the treaty of Dancing Rabbit Creek.----

A I made a little mistake about the questions asked me about my mother's blood.

- Q You said you claimed through your father? A Yes, sir.
Q And now you claim through your mother? A Yes, sir.
Q You claim through your father? A Yes, sir.
Q And while your mother has Choctaw blood you don't claim through it? A I was not claiming under her.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September in the year 1830. It was made for the especial purpose of removing the Choctaw Indians who lived in the old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians under that treaty and for the protection and preservation of their interest article fourteen was put into the treaty of 1830. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case

a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors comply with any of the provisions of that article of that treaty? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A William Simmons.
- Q How much Choctaw blood did he have? A He was half.
- Q What relation was he to you? A My father.
- Q How old would he be if living now? A About ninety-eight--between ninety-six and ninety-eight, I don't know which.
- Q Did he live in Mississippi in 1830 and have a family there then? A Yes, sir.
- Q What did he ever tell you about it? A He told me that he had the blood and told me that if ever I crossed the Mississippi to go to the Indian Territory and claim the right; that he was in the treaty of 1830.
- Q What did he ever tell you about having land in Mississippi which he claimed from the government? A He never told me that he had any land there.
- Q Did he ever get any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A If he did I did not know it.
- Q Did he die in Mississippi? A No, sir.
- Q Where did he die? A In Alabama.
- Q Were you present at his death? A Yes, sir.
- Q Can you tell where he was born in Mississippi? A No, sir; I don't know where he was born but he was in the East part of Mississippi.
- Q How many children did he have? A He had twelve.
- Q Some older than yourself? A Yes, sir.
- Q You were born fifty-four years ago? A Yes, sir.
- Q Were you born in Mississippi? A No, sir; in Alabama.
- Q Did you have brothers and sisters older than yourself? A Yes, sir.
- Q What brothers and sisters of yours were born in Mississippi if you remember? A I don't know whether any one of them was or not; I never heard whether there was any of them born there or not.
- Q You don't remember? A No, sir.
- Q Did your father ever tell you that within six months after the ratification of the treaty he went to the United States Indian Agent Colonel Ward and told him that he wanted to stay in Mississippi, take land there and become a citizen of the United States? A No, sir; he never told me that.
- Q Did he ever tell you that he owned any land or claimed any in Mississippi under article fourteen of the treaty of 1830? A No, sir.
- Q Did he ever tell you that he owned or claimed any land in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty; do you remember? A No, sir; I don't remember.
- Q Did he ever claim any land, or any of your ancestors if Choctaw Indians, under any treaty between the United States government and the Choctaw Indians other than the treaty of 1830? A My grandmother on my mother's side had two brothers and their names were Reuben and David Harris and they had land in Mississippi.

#5

- Q That is on your mother's side? A Yes, sir.
- Q You stated that you did not claim anything on your mother's side? No, sir.
- Q I am talking about your father's side now? A Yes; I heard my mother say that if he had stayed in Mississippi he could have got his land there but I don't remember hearing mother say that he did get any but he could have got it.
- Q He did not say in what way he could have got it? A No, sir.

The Choctaw Indians who resided in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, wanting to take advantage of the provisions of article fourteen of the treaty of 1830, were required to go to the United States Indian Agent Colonel Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and the improvements which they had. This caused so many complaints among the Indians so that in 1837 by act approved March 3rd of that year a Commission was appointed by Congress which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 by an act approved August 23rd of that year another Commission was appointed by Congress for the same purpose.

- Q Did any of your ancestors William Simmons or any other go before either of these two Commissions and claim benefits as a Choctaw Indians under article fourteen of the treaty of 1830; did you ever hear that they did? A Yes, sir.
- Q Now, before which Commission did any of your ancestors go at that time. This is not the Commission,---I am not talking about going before the United States Indian Agent, Colonel Ward in 1831 I am talking about going before the Commission in 1837 or the Commission in 1842? A Well, I don't know.
- Q You don't know about that? A No, sir; I remember my mother saying that he went back to Mississippi once after he left there but I don't remember the purpose he went for.
- Q Do you remember when she said he went back there? A No, sir.
- Q Did any of your Choctaw ancestors ever receive any scrip from the government as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had once held in Mississippi and which the government had taken from them and sold. Did you ever hear that they got any such scrip or certificates from the government. If you never did you can say so or if you never heard you can say so? A No answer.
- Q This scrip was issued under an act of Congress approved August 23, 1842; now did you ever hear that any of your ancestors got any such scrip as that? A No, sir. My father had two land certificates but I don't know where he got them.
- Q Had what? A Two land certificates but he never got the land.
- Q Have you any idea where he got these certificates? A No, sir.
- Q Never heard anything about that? A No, sir.
- Q You don't know anything further about that? A No, sir.
- Q Did you ever see either of them? A No, sir; Well I reckon I have seen them too but I never paid any attention to them.
- Q What relation is John T. Ables to you? A My son.

#6

- Q Do you want to have his case considered with yours when your case is taken up for consideration by the Commission? A Yes, sir.
- Q Have you any documentary evidence you want to introduce now in support of your claim? A No, sir.
- Q Would you like time in which to introduce further testimony? A No, sir.

Att'y: We want to introduce the testimony of Mrs. Lucretia Simmons and the testimony of A. J. Abies also.

Commission.

This request of Mr. Rider counsel for this applicant is granted if the testimony is produced with a reasonable time.

- Q Do you speak or understand the Choctaw language? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. She has medium brown hair nearly black. She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

Examination by attorney Rider.

- Q In regard to the relationship; was your father and mother in any way related? A Not that I know of---well I could not say whether they was or not.
- Q Well as a matter of family history can you say whether they were or not? A No, sir.
- Q Do you know whether or not your father talked the Choctaw language? A Yes; I know that he talked the Choctaw language.
- Q Talk it fluently? A He talked it whenever he wanted to.
- Q Did he talk any other Indian language except the Choctaw Indian language? A I don't know.
- Q I mean as a matter of family history? A I don't remember.
- Q Do you know as a matter of family history whether he was ever in the service of the United States as a soldier in any war with the Indians? A Yes, sir.
- Q What war was that? A Florida War.
- Q In what Capacity was he employed in that war? A Why what I heard, after this treaty of 1830 was made, he left; I don't know how long after that before he went back to West Alabama, then he went to Georgia I think. He met up with, I don't know whether it was a Colonel or Captain Spencer and he enlisted to go into the War.
- Q Do you know for what purpose? A As a spy, because he could talk two different languages. I think it was the Seminole and Choctaw.
- Q Did you know of his first wife? A Not her given name.
- Q I mean her maiden name? A Foster.
- Q That was your father's first wife's name? A Yes sir.
- Q You say you have heard of and probably have seen some scrip but don't know what scrip it was? A I don't remember that I seen any but I heard my mother talking about them.
- Q Do you know how many children your father had by his first wife? Two I think.
- Q Two? A Yes, sir.

By attorney Rider.

I want to make reference to affidavit No. 11, on page 637 of volume 7, American State Papers and also want to call attention to the fact that Daniel Harris and Reuben Harris are mentioned in the Index of the 7th volume of the American State Papers

- Q Does your mother draw a pension from the United States government for your father as a soldier in the Florida War? A Yes, sir

Witness excused and later recalled testified as follows:

Examination by attorney Rider.

- Q Do you know anything about any scrip that your father had of any kind? A Yes he had two land certificates or scrip, calling for eighty acres of land, each one.
Q Whereabouts? A In Mississippi I think.
Q You know what became of them? A After he died my mother came to Texas to her son that left her and they went to church one Sunday and when they got back to the house it was burned.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 20, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 12th day of April 1902.

W. H. Mitchell

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
MADILL, INDIAN TERRITORY
JANUARY, 24, 1905

In the matter of the application for the enrollment of E. Ioy Ann Ables, et al, for identification as Mississippi Choctaws.

APPEARANCES: { For the Applicant, George E. Rider, Esq.
 { For the Nations, W. H. Moore, Esq.

THOMAS SANDWITH ASHLEY, sworn on behalf of applicants, testifies as follows:

BY THE COMMISSION:

- Q What is your name? A Thomas Sandwith Ashley.
Q What is your age? A I was born 1820, August 24th.
Q What is your post office address? A Madill.

DIRECT EXAMINATION

BY MR. RIDER:

- Q How long have you lived in Indian Territory, Mr. Ashley? A It has been going on three years since I came here.
Q Where did you come from? A I come from Mississippi to Waco and come from Waco here, as I told you.
Q You never have lived in any other place in Indian Territory but Madill? A No sir, only I made a crop on the Washita, like I told you.
Q Where were you born? A Between Mobile, Alabama, and Lake Pontchartrain.
Q What were your parents names? A Except my father, you mean?
Q No, I mean your father? A Jim Ashley.
Q What was your mother's name? A Demarius.
Q When did you leave Alabama the first time? A We came in there--
Q Came in where? A Came over to Terral County-- it wasn't any county then, but they afterwards called it Terral-- on the Alabama River.
Q In Mississippi? A Yes sir.
Q Do you remember of hearing of any Treaty between any of the Indians and the government of the United States in Mississippi, and if so, state what you remember about the name of it, and where you were living at that time, and all you may know about it. What was it called? A It was called-- I always called it Rabbit Creek Treaty and Rabbit Treaty, but I may be wrong about it.
Q Where were you living at the first time you ever knew of that Treaty? A On the old Duck Hill road, near Carrelton.
Q In the state of Mississippi? A Yes sir, at that time, there was no counties there at all.
Q About what was your age at that time? A About ten years, I reckon. I was raised in there.
Q State whether or not you ever knew a man by the name of William Simmons? A Yes sir, I brought whiskey to him many a time.
Q Where was your first acquaintance with him? A I got acquainted with them when they come in there, at the time of the Treaty. I told you I was with him and my father at his place in there before the Treaty.

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- Q You first got acquainted with Simmons, then, about the time of the Treaty? A Yes sir, but my father and him knowed one another before that. I have heard them talk of these things.
- Q State whether or not William Simmons, if you recollect, at that time was a married or single man? A Married man.
- Q Do you know or do you recollect now who his wife was? A His first wife was a Foster.
- Q State whether or not they had any children? A Yes sir, they had some children, but I don't recollect--
- Q Don't recollect how many or the names of them? A I recollect two and that is all I recollect. I don't know whether they was girls or boys.
- Q State if you know of what nationality Simmons' wife was, the first wife? A They called her quarter blood.
- Q Choctaw? A Yes sir.
- Q Do you know whether Simmons was of Indian blood or white blood? A Yes sir, Simmons was mixed up with them too.
- Q You mean to state he was of Indian blood? A Yes sir.
- Q Did you know Simmons' parents? A Yes sir, I know some of them.
- Q I mean his parents? A Yes sir, I knowed his mother.
- Q What blood was his mother? A Fullblood.
- Q Fullblood what? A Indian.
- Q What Indian? A Choctaw.
- Q What was his father? A I would call Simmons a half.
- Q Was his father a white man or Indian? A I don't know whether he was an Indian. He was as much as half, I guess.
- Q Do you know the first names of Simmons' father and mother? A I believe that grand-ma Simmons was called Betty, I believe, as well as I recollect.
- Q Do you know the name of William Simmons' father, the first name? A I don't believe I could answer you on that.
- Q Right at this time? A Not at this time, it has been so long.
- Q Can you speak any Indian language yourself? A I used to talk it pretty good.
- Q You can now? A Yes sir, I never forget, when I get a bucket broke over my head--
- Q What Indian language have you any knowledge of? A Choctaw and Chickasaw too, a little. I haven't forgot.
- Q State whether or not William Simmons, if you know, could speak any Indian language, and if so what? A Yes sir, he could talk the Indian language.
- Q How do you know that? A Because I was with him.
- Q State whether or not you ever heard of a man there in Mississippi, at the time you mention, by the name of Ward? A Yes sir, old Colonel Ward.
- Q State in what connection you heard of him and where you heard of him and all you remember in reference to him? A I remember ever since he put up his camp there, and I was there at the time they drew up the papers and had the racket. He was a drunkard; I have toted whiskey for the old fellow.
- Q What was your recollection of the understanding you had at that time, now, as to what Ward's business was at that time? A His business was land and with the Indians and with Greenwood LaFlore, and he was taking up land script and such-like and land patents. They had it their land patents, and my being uneducated, of course, I will do the best I can to own up to what I know.
- Q State whether or not you know or remember of William Simmons living on any land there in Mississippi at the time you have mentioned? A Yes sir.
- Q Where was that land located? A Not far from Pontotoc.
- Q Do you know when Simmons went into possession of that land with

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reference to the time Ward was there, if you remember? A He went into it when Ward was there, and that was what the racket was about.

Q State whether or not you were ever present at the time when Ward and Simmons ever had any talk and conversation, and if you were, state what took place? A Simmons and Ward had a talk and the was it came up, Ward had made application to Simmons that he wasn't received in regard to this land, and he said that he would not put up with it, that he had to have what the government promised him and he was entitled to it and he was going to have it or he would lose his life over it, and they raised a racket, and called old Colonel a liar, a damn liar.

Q What took place, if you remember ~~some~~ anything else? A Which about?

Q Between Ward and Simmons? A Simmons told Ward he would shoot him.

Q And they had a racket? A Yes sir.

Q State if you know, what were the habits of this man, Ward, with regard to being temperate or intemperate? A They was a drinking at that time.

Q I asked you to state what his habits were in that respect. Was he that way more than once? A Yes sir, he was in the habit of doing those things.

Q State what you know in regard to William Simmons in that respect? A He was the same.

Q Did you ever hear of a man named Stanley? A Yes sir, I have seen him, Jim Stanley.

Q Where did you know him? A Right there.

Q What was his business? A He was looked upon as the bailiff. I don't know more than that.

Q Do you recollect when William Simmons left Mississippi, ~~xxx~~ if he ever left Mississippi within your knowledge? A Yes sir, he left Mississippi and went to old Coosey's River, and then he came back and he had a place ~~xxx~~ he wanted to let my father have, and he was going to the Seminoles, in Florida.

Q After Simmons left Mississippi, state if you received any information in regard to the death of his wife?

MR. MOORE: I don't believe that is competent.

MR. RIDER: I would submit to the Commission that any statement the witness might make as to any information he might receive as to the matter of the death of any person would be competent evidence. Information is always proper that way, but not proper for the witness to state the language in which he heard, but he might state that he received ~~x~~ information without giving the source of it, that he received information of the death of this person that we are inquiring about. I think it is wholly competent, in accordance with all the rules of evidence.

COMMISSION: It will go in with your objection, Mr. Moore.

Q State Mr. Ashley if you ever received any information relative to the death of William Simmons' first wife? A I heard she died, but I don't know what year she died or what month.

Q Then you received ~~xxx~~ information that she had died? A Yes sir.

Q Now you have already stated that Simmons left Mississippi, when did you next hear of him? A There on old Coosey's river, where he went to.

Q Under what circumstances did you hear or see him that time? A He came to sell out to my father. He said, by God, he wouldn't put up with this country any longer. That the way he said it.

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- Q That was the time you mentioned about awhile ago? A Yes sir.
- Q Now, if you went anywhere with Simmons at that time and anyone else, state who and where you went and all about it. A Never went anywhere only he come to my father's and me and my father went home with him. Father went to look at his place and if he liked it, he would buy it, but he didn't like it and didn't make any trade.
- Q Who did you find at Simmons' house at the time you went to his house with your father? A I found him there married.
- Q Who was his wife at that time? A She was a Dunn.
- Q Had you ever known her before? A Yes sir.
- Q What was her name? A I think it was Critty.
- Q Did Simmons and his wife, Critty, have any children at the time you last mentioned? A I didn't see but one that I can recollect.
- Q How long did you stay there at that time? A Three days that time.
- Q State whether or not you have ever seen that woman who was there with Simmons at that time that you have last mentioned since then? A I never have had sight of them since that time that I recollect.
- Q Of him? A Yes sir.
- Q Have you ever seen the woman? A Yes sir, but her husband was dead, you know.
- Q I say, have you seen her, Mrs. Simmons, since that time? A Yes sir.
- Q When did you last see her? A I seen her here.
- Q Here in Madill? A I think it is her.
- Q She is the same woman you say back in Mississippi? A Yes sir, that is allright. I recollect, that is allright.
- Q State whether or not you know of any other Indians besides Simmons who were prevented from taking lands in Mississippi at the time you mentioned awhile ago? A Yes sir, John Moore was a white man and had an Indian wife and the LeFlores.
- Q And others that you can't remember? A Yes sir, I can't call them to mind, can't recollect it right now, all of it. I know the LeFlores. Do you ~~know~~ want them?
- Q You misunderstood my question. I say, did you know of other Indians in Mississippi being refused their rights there by Ward other than Simmons? A Yes sir.
- Q Now, state how Simmons was regarded amongst the Indians in Mississippi. A The other Indians was all allowed and had their little homes there close together.
- Q Here is the question I asked you. In what respect was Simmons regarded? Was he regarded as a leader among the Indians? A Yes sir.
- Q Do you claim to have Indian blood yourself? A I have been told all my life by my parents I was one-quarter blood.
- Q State if you have not already done so, Simmons going to any war? A Yes sir.
- Q What war did he go to? A The Florida War. My understanding was that it was the Seminole Indians war. He was going to interpret and he was waiting to sell out to my father.
- Q Do you know whether or not Simmons had any improvements on that land? A Yes sir.
- Q How long did you live in Mississippi, in that neighborhood where you knew Simmons? A I was raised right there and on Alabushy River.
- Q How long did you live there? A Until the year '50.
- Q When did you go then? A I still made it my home, and I was running about.
- Q When did you leave Mississippi? A I left Mississippi in '73.
- Q How long have you known the Ables family? A I got acquainted with them here in the territory after I came here to this territory.

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- Q About how long ago? A I suppose it has been six months ago.
Q Did you make an affidavit shortly after you got against them?
A Yes sir.
Q It was just before that you met them? A Yes sir.
Q Where did you meet them? A I met them right here and was talking to some people and Mr. Ables heard me mention a name of some people that I knowed and he asked me if I knew them and I told him that I did. My people and them was right together there.

MR. RIDGER: Applicants would like to ask— The witness has stated that he has made an affidavit in connection with his knowledge of this matter and we would like to have a copy of the affidavit attached to his testimony, for the reason that it gives his knowledge of this matter in a consecutive manner and it would be more intelligent.

MR. MOORE: I object to it as part of this deposition.

COMMISSION: It will go in with the record, but I don't believe it will as a part of this deposition.

CROSS EXAMINATION.

BY MR. MOORE:

- Q You lived in Alabama close to Mobile, until you were about ten years of age? A No sir.
Q Where did you live up to that time? A I had people in Alabama. Now, recollect, you gentlemen, that I want to tell you the truth about this matter.
Q Where were you born? A I was born between Lake Pontchartrain and Mobile.
Q How long did you live there? A I came down to Carrelton county. I went down there with my father at the time of the Treaty.
Q What was your age at the time you went into Mississippi? A I don't know.
Q How old a boy were you when you moved from Alabama to Mississippi?
A I never moved into Alabama. I came there with the new purchase land and there was where I was born.
Q You say you were born between Mobile and Lake Pontchartrain?
A Yes sir.
Q How long did you live there? A At the time of the Treaty?
Q How old were you at the time of the Treaty? A About ten years old.
Q And at that time you went up on the Alabama? A Yes sir.
Q How long after the Treaty was it you got acquainted with Bill Simmons? A I got acquainted with him when he came in there, which I have expressed here.
Q Where did he come from into that country? A I don't know exactly the exact place that he came from himself, only those countries there. I suppose the family is back there now.
Q Towards Alabama? A Yes sir.
Q How old was he when you first knew him? A I don't know. He seemed to be a pretty old man.
Q About forty-five or fifty? A Somewhere along there.
Q His first wife's name was Foster? A Yes sir.
Q What was her blood? A About a quarter they said.
Q Did she look to be more or less than that? A She seemed to be more.
Q Did she look to be a fullblood? A Pretty much.
Q Did you take her to be a fullblood? A The first time I saw her, I says there is another Indian squaw.
Q About how old was she? A I don't know.
Q What was Bill Simmons' business in there? A He came in there

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- to get him a home to farm on that the government would give to him and Ward, he took the land. It was powerful sickly.
- Q Did he have any land there? A Yes sir.
- Q Where was it? A It lay off from Pontotoc.
- Q How far was it from Pontotoc to Colonel Ward's camp? A It was close by.
- Q Was it within five or six miles? A I suppose it was. There was no roads in there. We all went in there together.
- Q Where did you do your trading? A Greenwood LeFlore, Pintwood LeFlore and Tolache Bull.
- Q Were you ever in Pontotoc? A Yes sir.
- Q How many people were there? A I don't know.
- Q How long was it from the time you first got acquainted with Simmons until he went off to this Florida war? A I don't know. If you have got the day of the month of the fight between Ward and Simmons, you can get it. They just had a general jubilee, they called it.
- Q Was it as much as two or three years? A Yes sir, right he. I never paid no attention to that. I was looking out after myself. After the racket, Simmons went right on off and he went to my father's.
- Q How long had you know Simmons when this racket came up? A I had known him a good, long while.
- Q Was it as much as two or three years? A As near as I can get at it, yes sir.
- Q How long after he went to this Florida war until you saw him again? A I don't know.
- Q Was it as much as two or three years? A Yes sir, I suppose. I can't tell you anything I don't know. I can't hear good and I am blind. I have never studied anything about this thing. I never read a history or a newspaper in my life; I don't know.
- Q After he came back from the Florida war, how long did you know him then? How long was it until he disappeared, so far as you know? A He disappeared after I came back there and I never heard any account of him until I heard he was dead.
- Q How long after he came back there until he disappeared out of your life? A He came to see my father and went on off.
- Q After he came back from the Florida war, the only time you saw him was the three days you were down there? A Yes sir.
- Q So you only met him a few times after the Florida war? A Yes.
- Q At the time he went off to the Florida war, was he living with this Foster woman? A No sir, I was informed that she was dead and he married John Dunn's daughter.
- Q Was that before he went to Florida or after he came back? A I think he married her after he came back. Such as that I didn't pay much attention to.
- Q How many of his children did you know by this Foster woman? A I seen him over there, but I couldn't swear they was all his.
- Q Do you recollect whether they were boys or girls? A No sir.
- Q Did you ever see this Dunn woman that he married? A Yes sir.
- Q How many times did you see her? A Two or three times.
- Q Was she a young woman? A Yes sir.
- Q Much younger than her husband? A Yes sir.
- Q Have you see that woman since then? A Yes sir, I saw her here.
- Q How long ago has that been? A About sixty years.
- Q Did you recognize her or did she have to tell you who she was?
- A When my name was mentioned, she recollected it.
- Q Were you a married man when you were down there in Mississippi?
- A No sir.
- Q You were a boy? A Yes sir.

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- Q Where do you live now? A Madill.
- Q Who are you living with? A My son.
- Q What is his name? A Owen Ashley.
- Q Is there any relationship between you and the Ables family? A Only Indians by blood.
- Q That is the only connection between the two families? A Yes sir.
- Q How long was it after the Treaty down there that you spoke of when Simmons applied to Ward for his land? A I don't know how long it was. Of course, it is just like I tell you now, I don't know how long.
- Q Now, you say that this woman that Simmons was living with at the time you first knew him was a quarter-blood? A No, you are mistaken in what I say. I am talking about Simmons' wife.
- Q I say the Foster woman was a quarter-blood? A I suppose she was a quarter-blood, but I am telling you my ideas. Simmons wife, of course, I knew those people and knew old Simmons ahead of ~~him~~ him.
- Q How much Indian blood did she have? A I never asked the lady at all. They asked me my name, but I knowed theirs.
- Q You say you knew Bill Simmons' parents? A No, I didn't tell you this.
- Q Did you know him? A I had heard of him, and I saw the man they called his father.
- Q What was his name? A He was a Simmons, but I don't know his first name.
- Q How many times did you see him? A I saw him over there at Ward's camp and he went off and he disappeared. Anything I know, I will tell you. Anything I don't know, I can't tell you.
- Q That is right. Did you ever know Bill Simmons' mother? A Yes.
- Q How much Indian blood did she have? A She was a fullblood. I have been with her time and again.
- Q Was Bill Simmons' father a fullblood? A He looked very dark; I couldn't tell you that.
- Q He looked like a fullblood? A The old woman, I was with her. The youngsters that was young grewed up and they thought they was all of it. I had to lookout for myself; they would sure smoke you.
- How long ago was it that you say Simmons' wife, second wife, up here in the Indian Territory? A I don't recollect. I suppose six or eight months.
- Q How many times have you seen her in that six or eight months? A Once or twice, may be three times.
- Q How old a woman is she now? A I don't know her correct age.
- Q She is a woman pretty long in years? A She is pretty old, like myself.
- Q She is not as old as yourself? A I don't know.
- Q This man Simmons was a good deal older than you? A I don't know.
- Q Was he as old as your father? A I know this: He called my father Uncle Jim. He says call me Jim, and he says he would do that.
- Q Now you say that the trouble down there between the Indians and Ward grew out of this Simmons matter in some way? A There was a crowd of them that was included in this. John Moore, a white man that had an Indian woman for a wife. Her name was Nancy Folsum. They was making the whiskey fly and was letting their hands fly at both ends. I tell you it was bad times. They tore up everything that the government gave the Indians there.
- Q Tore up all the papers? A Yes sir.
- Q Was that the time that Ward left? A No it was after that.
- Q How long after that? A I didn't seem long to me. Simmons went to Alabushy county, right in below Box Bend.
- Q You saw Simmons in there, was he camping? A No, he was out at Pontotoc.
- Q He was living on his place there? A Yes sir, that was what

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- started the racket. The jug and the misunderstanding come between them and they all got drunk and tore up the papers.
- Q Was you there when the papers were torn up? A Yes sir, I was there.
- Q Did they burn them or tear them up? A They tore them up and scattered them all around there. I can tell you what I saw, I saw a barber wiping the blade of his razor on the papers.
- Q Who was there? A Simmons and Ward against each other.
- Q Whereabouts was this barber shop? A They had a barber on big Sandy, close to Carrolton. They went there to get shaved, so they could look better. That was the matter.
- Q You weren't old enough to go to the barber shop to get fixed up in those days? A No sir.
- Q But you remember seeing the barber there? A Yes sir, he was wiping his razor off on the papers. I had bear skins and deer skins and hog skins, and an old pony, and there is no dog in this country that can creep with him. They sent me for the whiskey.
- Q Got a little of it for yourself when you got back? A The Indians has made me hunt the deer and old Ward and Bill Simmons was drunk and they gave me a drink and I took them-- and coon skins, and the would give me a hog skin, and I would hide the whiskey in that.
- Q Were there any soldiers in there with Ward in those days? You say he was called Colonel, was he in the army? A No, I can't recollect. I saw plenty of men with flint and steel guns.
- Q But there were no soldiers in there? A No sir.
- Q Were you present right there when the Treaty was signed up, or did you come in afterwards? A I was right there in it.
- Q At the time it was signed? A Yes sir, and every fellow was rejecting to think that peace was declared and they had homes. That was Indians that was crossed with the white men, and Colonel Ward was there and they commenced drinking and kept drinking.
- Q Colonel Ward was down there to get Indians to sign it? A Yes sir I suppose he was.
- Q Who else was there for the government at the time this Treaty was signed, do you know, besides Colonel Ward? A I don't know. Jim Stanley was in there.
- Q He was an Indian wasn't he? A No sir. I will tell you about him as well as I can recollect. He was nothing more than a bailiff and he had stopped there against Blackhawk, and Jonathan Bull went in there beside him and married a nigger-Indian and tried to work a farm.
- Q Was there anyone down there as the representative of the government at the time this treaty was signed, except Ward? A Not unless it was Aaron Miller. He had a heap of business up and down the river on boats, and he would always fire a cannon when he come in.
- Q And he and Ward were the men that signed the Treaty? A I don't know.
- Q You was there at the time? A I was there. He might have been.

RE-DIRECT.

BY MR. RIDER:

- Q Did you ever see this gentleman before (Designating Mr. Moore)?
- A Call his name and I can tell you.
- Q W. H. Moore? A Yes sir.
- Q Did he come down to see you after you had made an affidavit? A Yes sir.
- Q How long did he talk with you? A About five or ten minutes.
- Q You told him the same thing you have told her today? A Yes sir, so far as I know. I think he will tell you I did.

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- Q When you speak about the Treaty being made, it was when Ward was there and that is the time you have reference to? A Yes sir.

BY THE COMMISSION:

- Q Have you ever testified in any case pending before the Dawes Commission before this? A No sir, not before Dawes Commission.
Q Have you ever testified in any Indian case wherein the rights of citizens were adjudicated? A No sir, only they ~~wanted me~~ wanted me as a witness in a case, if I knewed John Moore and his wife and I told them I did.
Q When was this? A About a year ago.
Q Did you go over to Muskogee? A Yes sir, I knewed him and his wife well.

Reference is made to the case of Silas Sharpe, et al., MCR 3540, wherein the witness testified.

- Q You never have made application yourself, have you, for identification as a Mississippi Choctaw? A I went to make application and they turned me off four times. They said I was too late, but I showed them the papers that was good.
Q Did you go after March, 1903? A No, I don't recollect. I never noticed anything, only I went there as a witness.
Q You never have made an application for identification as a Mississippi Choctaw? A No sir, I wanted to know that my case her as a witness would interfere with my rights. One Indian has a right to swear for another one, hasn't he?
Q Yes. You moved from down-- From your home between Mobile and Lake Pontchartrain, in 1830? A He came down there at the time of the Treaty
Q Where did you go? A Down on Alabushy.
Q What county? A Alabushy County, it is called now.
Q Near what town did you locate, you and your father? A Pint LeFlore.
Q How soon after you came to Point LeFlore did you become acquainted with William Simmons? A I was acquainted with him before we went in there. I had seen him and heard him and my father talk.
Q Do you know what the Treaty of 1830 provided for? What was the object of that Treaty? A It was nothing more than rejoicing over the new country they had found and the land they would get.
Q Do you know why that Treaty was made? that treaty that you refer to, that was made in 1830? A No, I couldn't tell you that that I don't know.
Q You don't know any of the provisions of that Treaty? A I don't know everything to it, nothing.
Q You don't know any of it? A I might know a little of it.
Q What part of it? A That Treaty was an agreement between the whites and the Indians that this should be their homes. All that was secured, they said, under the influence of old man Greenwood LeFlore.
Q Where was that Treaty made? A Near Carrollton, on Big Sandy.
Q Made the Treaty there, did they? A Yes sir.
Q Do you know by what other name it goes, besides the Treaty of 1830? A Not that I recollect right now.
Q Did you ever hear that Treaty being called the Treaty of Dancing Rabbit Creek? A Yes sir, and we people that was there afterward call'd it Rabbit Creek and Rabbit Branch Creek. I laughed at that, because I thought they had named it that because a rabbit had run in there or something like that.

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- Q You were there when they come in there on the Treaty? A Yes sir
- Q Did the Indians come in there in large numbers or just a few of the leaders? A Yes sir, pretty good bunches.
- Q You say you knew William Simmons prior to your removal to Carrolltown? A Yes sir.
- Q ~~Was~~ How soon did you see him? A We was together off and on all the time there.
- Q Did he come in there at the same time you did? A He came in with my father. He had been there before he come back. He would come out to see Uncle Jim, to tell him how many deer and bear he had killed.
- Q Now, I wish you would give a detailed description of William Simmons. What kind of a looking man was he? A He was a rough, coarse looking fellow and he was pretty broad across the breast and tolerable tall.
- Q Was he five feet, eight or ten inches? A I guess so; I don't know his height. He looked to me when I was young like he was a good, big fellow. John Moore is a man built about like you
- Q How long did William Simmons live around Carrollton after you moved up there? A He lives there until these fusses came up.
- Q When did they come up? A After the Treaty.
- Q How many years after the treaty? A I don't recollect. I never noticed that, because I was looking after myself.
- Q How is it that you remember the date of the Treaty if you don't remember any other date? A Because I have been told that by my father and Greenwood LeFlore.
- Q You know Greenwood LeFlore personally? A Yes sir.
- Q What did he look like? A He was an Indian gentleman.
- Q Was he a tall man? A No, he was tolerable tall.
- Q Did he wear a mustache? A I don't recollect, but his son, Jack, didn't wear any mustache.
- Q ~~He had a son, did he?~~ He had a son, did he? A Yes sir, two of them.
- Q What were their names? A Jack and Charley and his cousin was named Bill LeFlore.
- Q What did Greenwood LeFlore do there? A He farmed, and my uncle cut the first stick of timber that was cut in there at the time, putting in a farm in the river.
- Q Where was Greenwood LeFlore's improvement located? A On the bank of the Yazoo river.
- Q How far from Carrollton? A I don't know; about twenty miles, I guess.
- Q In what county? A Yazoo county.
- Q Did Greenwood LeFlore live in Yazoo county? A Yes sir, may be it is in Carrollton County. His farm is right there at the Yazoo River.
- Q How far is it from the town to his place? Was there any town near Greenwood LeFlore's place? A Carrollton.
- Q That was the closest town? A That was, that I knowed anything about.
- Q That was about twenty miles? A No, you got it backwards now. I told you the Yazoo-- Old Colonel Greenwood LeFlore's farm run into the Yazoo farm, and as near as I can recollect, Carrollton was the closest town to him.
- Q How far as it from Carrollton? A I don't know. The roads were not measured then and posted.
- Q In what direction was it from Carrollton? A South and a little west.
- Q I want to ask you something about William Simmons, where he lived. How far from you did he live at that time that you moved to Carrollton? A Father always called it twelve miles from the Alabama River up to Pontotoc.
- Q How far was Carrollton from his place? A Five or six or eight

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miles, as near as I could guess at it.

- Q In what direction? A A little northeast.
- Q Have you ever been on that place? A Yes sir, been all around it, but when I went there, there was no farm there except what he put there.
- Q What improvements did he have when you went there? A He had a double-log house.
- Q How many rooms in it? A I don't know.
- Q Did he have any land in cultivation? A Yes sir, some; just a little, what his family could work. You know an Indian would never work his farm. I don't recollect how much he did have. I never did hear anybody say anything about the measurement of it, or nothing.
- Q Did William Simmons have any slaves? A Not that I know of. If he had any, I didn't know it.
- Q Did you see any on his place? A No, only what was hired niggers.
- Q Near what river was he? A The big Sandy was the closest to him.
- Q How far was that? A I don't know.
- Q Four or five miles? A No sir, it didn't appear to me like it was that.
- Q Did William Simmons have any Indian name? A Yes sir.
- Q What was it? A We called him Old Bill.
- Q Didn't he have any distinctly Indian name? Did you ever hear him spoken of by any other name than Bill Simons? A They called him a many a time old Indian Bill. If they would get up any disturbance, they would say, "We will go see old Indian Bill about it."
- Q How many were there in Simmons' family? A I don't know how many there were in his family.
- Q He had a wife? A Yes sir.
- Q What was her name at that time? A I think he called her Critty.
- Q Critty Foster? A No, Critty Dunn. You ask me the questions, and I will answer it like I know. Give me a chance. I am a pretty feeble old fellow. I can show you where the Indians camped better than I can tell you.
- Q You stated awhile ago, didn't you, that he had two children? A I said I seed two there, but the last time I saw him, I just saw one. I don't know whether it was his children.
- Q You don't know how many children he did have? A No sir.
- Q Were those two that you did see boys or girls? A I don't know.
- Q About what age did they appear to be, over ten or under ten? A I don't know.
- Q You were about that? A I never summed up to see.
- Q You were born in 1820 and this was about 1830? A Yes sir, about ten.
- Q Were they about your age, then? A No sir, they were little fellows.
- Q Who lived near William Simmons' place ~~then~~ at that time? A There was one man living in there by the name of Coleman.
- Q Was he a white man or Indian? A White man, and I can tell you another gentleman as soon as I can think of him, Old man Capatan and old man Lindsey.
- Q How far did they live from Simmons? A Five or ten miles; I couldn't tell you for certain.
- Q Uncle, do you suppose that you could figure out the date that Simmons left for the Seminole war? A No, I couldn't.
- Q How many years after you came there did he ~~xxx~~ leave for the Seminole war? A I couldn't recollect.
- Q Was it five or ten years? A I can't answer that. It might have been three or four years or five years.

T. S. Ashley 12.

- Q How long was he gone? A He was gone, I don't know how long, about that.
- Q Was he gone two years? A He might have been, but I don't know for certain. I never paid attention to that. I looked to be killed there and was looking out for myself.
- Q What other Indians besides Greenwood LeFlore do you remember that lived right in that immediate neighborhood? A There was several of them in there, but those I saw are the--
- Q You don't recollect names? A Yes sir, there was a crowd in there but I don't recollect all their names. Some of them camped right at Colonel LeFlore's, the Allison's and Haytubbys, and there was a family in there by the name of Bullis. There was one fellow that claimed to be an Indian in there and he lived--
- Q Do you remember the name of Simmons' second wife? A Critty. He always called her Critty.
- Q Do you remember his second wife's father? A Old Bill Simmons' what was the Dunn woman's father's name? A His name was old Shade Foster.
- Q That was his first wife? A John Dunn, I mean.
- Q What was John Dunn's wife's name? A I don't know what John Dunn's wife's name was.
- Q Were they both Indians? A Yes sir, they was mixed up with them. The Foster woman was an Indian.
- Q What was the Foster woman's name? A I think, as well as I can recollect back, it was old Shade Foster.
- Q Do you know the name of Shade Foster's wife? A I don't know. That is the old folks, outside of these children, aint it?
- Q That is the father and mother of William Simmons' first wife.
- A I have answered that to you.
- Q Shade Foster was her father and you don't recollect her mother?
- A I don't remember, it has been so long until I can't tell. I want to tell you gentlemen the truth.
- Q About a year ago last August, did you make an affidavit-- did you swear to a statement that was presented to you? A I went to make an affidavit, but I didn't, only I claim here.
- Q I mean, did you ever make an affidavit in this case? A Just a witness.
- Q Did you ever see that paper before (Presenting document to witness)
- A I don't know whether I did or not.
- Q Did you come in this office at one time and make a statement and then swear to it? A Yes sir, that is right. I claim that I done that.
- Q Was that statement read to you? A It was read to me.
- Q And you understood everything that was in it? A That I can recollect, yes sir, everything that was in it, and I can sit down and make a record that will go in with this record, but I don't want to swear away my rights in this country. Can't one Indian swear for another?
- Q Yes. You stated, I believe, a little while ago, when Simmons appeared before Ward-- A I was there on the ground, with the crowd that was there.
- Q It was on the outside in the open? A Yes sir, I was there at that time, but I don't know what day of the month it was.
- Q What time of the year was it? A It was along, as well as I can recollect, they had the racket there in the spring or summer or fall. I don't recollect what days of the month it was. If I had been educated, I would have had this allright.
- Q What was it that Simmons wanted? A He wanted a showing for land that he claimed and said he must have it.
- Q Did Ward have an office there any place? A Yes sir, he had a camp there.
- Q All this took place outside? A Yessir, they went to the camp and started it and they went to drinking and the racket came up.

T. S. Ashley 13.

You ought to have seen how I got away from there. That is the best question you could ask me.

- Q What year did you leave that neighborhood near Carrolton where you first lived in 1830? A That I left Alabushy and went away over there?
- Q Yes. A I got a job to work down there on the new railroad and I worked on Manshak rock until that road was done and then I went back to where I was raised, and on my return there in the year of '59, I got acquainted with my wife that I am living with now and we was married.
- Q In your affidavit made on August 28, 1903, you stated that you were acquainted with one Jim Stanley? A Yes.
- Q Was he a white man? A Yes sir, I called him a white man.
- Q These two children you speak of, were they the children of William Simmons and this Foster woman? A I couldn't swear to that.
- Q He had them when he was living with the Foster woman? A No, it was the other one, may be. I forget exactly. There was one I seen one time and then I saw two. They was there and they slept with them.
- Q Was the Foster woman living when you saw them? A Yes sir, I seen one and I seen two and then I seen some more little ones. It might have been children he was raising.
- Q Then you don't know whether William Simmons had those children by the Foster woman or not? A No sir. I have seen woman take little children around Madill here and sleep with them, but I don't know whether they are theirs, and I don't know whether they were his or not.
- Q Was it your supposition that they were Bill Simmons' and this woman's? A I supposed so.
- Q How extensive an acquaintance did you have with Stanley, did you know him well? A Yes sir, I knowed him tolerable well.
- Q How old a man was he? A He wasn't as old as Simmons. I suppose he was thirty-five or forty anyhow. He was a man that held himself up straight on a horse and he was a shore good rider.
- Q In your affidavit you mention a man by the name of Mullutubby? A That is correct.
- Q Who was he? A He was a cousin of Greenwood LeFlore.
- Q Fullblood Indian? A Yes sir.
- Q Living in that neighborhood? A Living on the river there.
- Q I mean that neighborhood. A It is called that neighborhood. Look for Allison Tubby and see if you find him.
- Q You know him? A Yes sir.

(Witness excused.)

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J. A. Williams, stenographer to the Commission to the Five Civilized Tribes, being sworn, states that he reported the proceedings had in the matter of the application for the identification of Ables et al, at Madill, I. T., on January 24, 1905, and that the above foregoing is a true and correct transcript of his stenographic notes in said case on said date.

Subscribed and sworn to before me this January 26, 1905.

J. A. Williams
H. E. Miller
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 2, 1902.

In the matter of the application for identification as Mississippi Choctaws of Icy Ann Ables, et al., embracing the applications of,

Icy Ann Ables, et al.,	M.C.R. 4977,
John T. Ables, et al.,	M.C.R. 4976,
Ellen Carnes, et al.,	M.C.R. 4978,
Josie B. Glenn, et al.,	M.C.R. 4979,
William M. Ables, et al.,	M.C.R. 4980,
Mary Warrock, et al.,	M.C.R. 4981,
Sarah Ann Holt, et al.,	M.C.R. 4982,
James A. Ables,	M.C.R. 4983,
Joseph E. Ables,	M.C.R. 4993,
Robert Ables,	M.C.R. 4994,
Lula Wright, et al.,	M.C.R. 5060.

G. E. Rider attorney appearing for applicants.

Andrew Jackson Ables called as a witness in behalf of applicants in this consolidated case after being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Andrew Jackson Ables.
Q Have you made application to be identified as a Mississippi Choctaw before this Commission? A No, sir.
Q What is your age Mr. Ables? A I was born in 1842 I believe.
Q Where were you born? A In Alabama.
Q What place in Alabama? A Well I was born in Calhoun County.
Q What is your post office address? A Madill, Indian Territory.
Q How long have you lived at Madill? A Very near six months.
Q Where did you live before that? A In Texas.
Q How long did you live in Texas? A I came to Texas in seventy I believe.
Q What is your occupation? A Farming.

Examination by attorney G. E. Rider.

- Q You say your occupation is farming? A Yes, sir.
Q Did you know William Simmons before his death? A Yes, sir.
Q What relation was he to you by your marriage? A He was my father-in-law.
Q Your wife's father? A Yes, sir.
Q How old a man was he when you first knew him? A I could not tell you his age; when I first knew him he had grown children.
Q Where was he living at that time? A In Alabama.
Q Did you ever know him in the state of Mississippi? A I knew him when he went to Mississippi but I never knew him in Mississippi.
Q When did William Simmons die; how long ago? A I think in seventy-two.
Q Were you present at the time of his death? A Yes, sir.

- Q How old a man was he then? A I could not tell you his age, but I suppose he was something like sixty or sixty-five years old.
- Q Did you ever have any conversation or talk with William Simmons in regard to his having lived in Mississippi along about 1830?
- A Yes, when I married into the family; that was right after the War closed.
- Q The Late Civil-war? A Yes; Civil-War,---of course I was broke up and had nothing and when I married he told me don't try to buy land and stay here in this country and work it out and said I will give you a show, you can go to Mississippi and get land there; I am entitled to land, go to Mississippi, and he said you can go on to the Choctaw Nation, I would prefer you going to the Choctaw Nation.
- Q How did he say you could get land there; through what right?
- A He said he was a Choctaw and he showed it very plain.
- Q Did he say anything to you at any time about that treaty of 1830 and the fourteenth article of it or anything about his going anywhere with any party at that time? A He told me he was enrolled in Mississippi with the Choctaws.
- Q At what time did he say? A I don't know way back; it was a long time back.
- Q Did you ever have any talk with him about a treaty having been made in Mississippi and his taking part in it? A Yes, sir.
- Q State what that was fully? A I could not give you all the conversation. I can give you some of it.
- Q That is what we want; go ahead? A He said he had a woman back there.
- Q Did he mention her name? A I believe he said her name was Mrs. Foster. He said they had a place and everything took out of it, a great big place and they built up a big log in the middle and one in the outer edge and one in the inner edge and they had a dance, she had a basket and she had that full of grub to eat, then they had a big dance, and when they danced around here then when he came back she was to grab the basket and if she got away and he did not catch her she was to go away and if he caught her she was to be his wife.
- Q Did he live there up to the treaty of 1830? A Well he said after he enrolled there and they got up the disturbances the head man of it went back on what he promised.
- Q The head man? A Yes, of course he called him the chief I believe or something of that kind, he went back on what he promised and they had to leave there and cross the Little River.
- Q Where did he go? A To Alabama.
- Q Did he tell you what became of that woman Mrs. Foster? A He said she died.
- Q Did he tell you when she died? A No, sir he just said she died.
- Q Did you ever have any conversation with him about his having gotten any certificates or a patent to land in Mississippi or Alabama? A He told me that he had taken up eighty acres of land.
- Q Did he say where he took it up? A He said on the Black Creek.
- Q In what state? A In Mississippi; I don't know now that it was Black Creek but that is my recollection.
- Q Do you know anything about any scrip or certificates or any land record being in that family? A He had a certificate or something.
- Q He had it before he died? A Yes, sir.
- Q Did it remain in the family after he died? A Yes, it remained in the family a while and my understanding is that it got burned

in Bill Simmons' house. All of his papers got destroyed. He had a whole lot of papers.

By the Commission.

- Q William Simmons your wife's father, who used to live with a woman by the name of Foster and who afterwards married Lucretia told you that he attempted to establish his rights in Mississippi under article fourteen of the treaty of 1830? A Yes, sir.
- Q Tell me exactly what he told you, if you ca, about going to Colonel Ward? A I don't remember that Ward was the man, I don't recollect the name.
- Q You never heard the name of Colonel Ward? A I might have heard it.
- Q Do you recollect whether you heard it or not? A I think I heard it.
- Q Are you sure? A No, sir; I am not positive.
- Q Do you know whether he went to this Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830 and told him that he wanted to stay in Mississippi, take land there and become a citizen of the States? A He told me he did.
- Q Did he tell you what Ward said to him? A He said he was enrolled.
- Q Enrolled? A Enrolled as a Mississippi Choctaw.
- Q Did he receive any land in Mississippi? A My understanding was that he got eighty acres.
- Q What became of the land? A When he left there he had to leave the land.
- Q Did you ever see any deed or patent issued to him by the government for that land? A I don't think that I ever did.
- Q Do you know where that land was located? A My understanding was that it was on the Black Creek.
- Q In what state? A In Mississippi.
- Q In what County do you know? A No, sir; I do not.
- Q Was he married in 1830 and did he have a family of children there then? A Well he did not tell me that he married any more that what I told you about taking that woman.
- Q Did he have any children by her? A It seems to me, I would not be positive about that,--it seems to me like he did have two children.
- Q Do you know their names? A No, sir.
- Q You are not sure about that? A No, sir.
- Q Black Creek in Mississippi? A That was my recollection.
- Q How does it happen then if William Simmons received land in Mississippi under article fourteen of the treaty of 1830 that he only received eighty acres of land? A I don't know.
- Q You are not sure that he did receive any in Mississippi under that article are you? A No, sir.
- Q You know nothing further about his location any further than what you have stated? A No, sir; that was before I was born; but there is either one of the two that I am confident, that he told me that he either located land there or he had an eighty acre land scrip.
- Q You stated a little while ago that you thought he received scrip from the government which entitled him to select land in Mississippi or Alabama? A I don't know that I said that.
- Q You don't think he said so or you don't think he got any scrip? A I don't think I said so and I don't think he got any.
- Q Instead of saying scrip you said he received some paper which entitled him to select land did you not? A So he told me I never saw it, he had a certificate they called it.
- Q That would be scrip? A Yes sir.

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- Q Which entitled him to select land? A Yes, that is my understanding.
- Q Did he receive any such scrip as that from the government?
A He told me he had a land certificate.
- Q Did he get that certificate under the act of Congress of August 23rd 1842? A I could not tell you.
- Q Was this eighty acres of land that you say he had on Black Creek in Mississippi the land which he obtained under that certificate? A I don't know whether it was or not.
- Q Do you know in what year he got that land? A No, sir.
- Q Do you know whether he took possession of that land just after the treaty of 1830 was ratified, or later on in 1842 after the act of Congress approved August 23rd 1842 was passed? A It occurs to me, I would not be positive about that, but it seems to me like he lived on that land a while.
- Q Did he ever leave the state of Mississippi and go to the Choctaw Nation Indian Territory? A No, sir.
- Q Did he die in Mississippi? A No, sir.
- Q Where did he die? A In Alabama.
- Q When did he go to Alabama? A After they all busted up in Mississippi he went over there to Alabama and from Alabama to Georgia and then back to Alabama and married this last woman.
- Q You mean Lucretia Simmons? A Yes, sir.
- Q When did he marry her? A I don't know.
- Q How old was he when he died? A I would guess him to be about sixty-five years old.
- Q When did he die? A My recollection it was in seventy-two.
- Q Sixty-five years old in seventy-two? A I would not say that it was exactly seventy-two, that is a sort of guesswork; but it seems to me like I heard them say he was about sixty-five years old when he died.
- Q Can you give me the exact date when he left the state of Mississippi after the treaty of 1830 was ratified? A No, sir; I could not give the date.
- Q Did you ever hear him say? A I don't remember that I ever did. He might have told me; he talked with me possibly fifty times.
- Q About what? A Trying to get me to leave that country and come out here.
- Q Leave what country? A Alabama.
- Q And go to the Indian Territory? A Yes, sir.
- Q Choctaw Nation? A Yes, sir.
- Q How old was he the last time you saw him and knew him? A About sixty-five years old.
- Q When he was living in Mississippi; did you know the names of his children if he had any? A No, sir.
- Q You are a white man? A Partly.
- Q You don't claim any Choctaw Indian blood? A No, sir; not a bit.
- Q Your wife's name is what? A Icy Ann.
- Q Ables? A Yes, she was a Simmons before she married.
- Q How many other brothers or sisters has she living? A There was two that was here with them.
- Q Their names are what? A Ellen Carnes and Josephine Glenn, than she has a brother by the name of John K. Simmons.
- Q Has he been before the Commission? A No, sir.
- Q They are all children of Lucretia? A Yes, sir.
- Q You know of any children of William Simmons by his first wife?
A No, sir; only what I heard him say.
- Q You don't know that he complied with or attempted to comply with article fourteen of the treaty of 1830 except what he told you? A No, sir.

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- Q And he never told you the name of Colonel Ward? A I would not be positive about the name; he told me lots of names that I don't remember.
- Q On page 637, of volume 7, American State Papers, in a deposition of James Standley, appears the name of one William Simmons. In this deposition it is stated that this William Simmons some time in the month of June or July, 1831, went with James Standley before Colonel Ward the United States Indian Agent at his agency in Mississippi and attempted to register under article fourteen of the treaty of 1830; this deposition further states what they did there and what was accomplished afterwards. Have you any positive knowledge from what you heard your wife's father state that he is the identical William Simmons whose name appears in that deposition of James Standley on page 637, of volume 7, American State Papers? A I could not say positive about that; I could only give my belief.
- Q I don't want your belief? A No, sir; I can't state positive because I don't know.

Examination by attorney Rider.

- Q You spoke about Mr. Simmons having the appearance of a Choctaw Indian? A Yes, sir.
- Q Did he talk the Indian language? A Yes, sir.
- Q How many? A They told me he could talk two, I know he could talk two different ways? A What different languages did he talk? A Choctaw and Seminole.
- Q Do you know about his having been in any war between the Indians and the United States government? A Yes, I reckon he went through the War.
- Q What war was that? A Florida War.
- Q Was he a regularly enlisted soldier? A Yes, sir.
- Q Does his wife not draw a pension for his services in that War? A Yes, sir.
- Q Do you know how he was employed in this War? A He told me he went as a spy and enlisted as a corporal. (Commission)
- Q Have you ever heard Mrs. Simmons say anything about her husband having lived with or married a woman before she married him in Mississippi? A Yes, she told me he did.
- Q Did she tell you the name of that woman? A Yes, sir.
- Q What was it? A Foster.
- Q How old is Mrs. Foster now? A I reckon somewhere between ninety and ninety-five years old.
- Q Where does John K. Simmons live? A In Henderson County, Texas.
- Q How old a man is he? A I would suppose him to be about ten years older than I am; may be older, he was married before I was grown.
- Q You don't understand or speak the Choctaw language or any Indian language? A No, sir.
- Q You don't know whether he spoke either the Choctaw or Seminole language except what he told you? A I heard him.
- Q Yes; but you did not understand that? A I know they were two different languages.
- Q How could you tell the difference between Choctaw and Seminole languages? A You can tell the difference between a goose and a rooster crowing, can't you; he used to be a mighty drinking man and he used to have an Indian dance when he came home.
- Q How could you tell whether the dance he danced was an Indian dance when he came home? A I don't know.

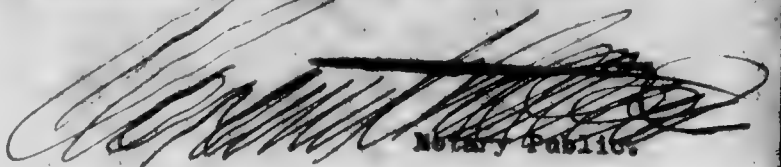
G. Rosenwinkel being duly sworn on his oath states that as

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stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on April 2, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of April 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 2 day of May 1902.


Notary Public.

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4977

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 23 1902



ACTING CHAIRMAN.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE APPLICATION FOR IDENTIFICATION OF LOY ANN ABLES
ET AL, NO. 4977, AS MISSISSIPPI CHOCTAWS.

INTERROGATORIES TO BE PROPOUNDED TO LUCRETIA SIMMONS,
A WITNESS FOR THE APPLICANTS.

Interrogatory 1. State your name, age and residence?

Answer.

Int. 2. Do you know John T. Ables, Loy Ann Ables, Ellen Carnes, Jessie B. Glenn, William W. Ables, Mary J. Worreack, Sarah Ann Holt, James A. Ables, Joseph E. Ables, Robert Ables and Lula Wright? If you answer that you do know them, state if you are related to them, and, if so, what is your relationship to each of them?

Ans.

Int. 3. Did you know William Simmons in his life time? If you answer yes, state what relation, if any, he was to you?

Ans.

Int. 4. If you state that he was your husband, state when and where you were married, if you remember?

Ans.

Int. 5. How old was William Simmons at the time of your marriage to him?

Ans.

Int. 6. Is William Simmons alive or dead? If dead, in what year did he die, his age at the time of his death, and where did he die?

Ans.

Int. 7. Were you ever married before you married William Simmons? or have you ever been married to any one since his death?

Ans.

Int. 8. What was your maiden name?

Ans.

Int. 9. What, if you knew, was your mother's maiden name?

Ans.

Int. 10. What, if you knew, was the full name of your father, and of his father (your grandfather)?

Ans.

Int. 11. If you have stated that you and William Simmons were married in the state of Alabama, state how long, if you knew, he had lived in Alabama before your marriage?

Ans.

Int. 12. State, if you knew from what your husband told you, or otherwise, where he, William Simmons, lived before coming to Alabama?

Ans.

Int. 13. State whether or not your husband ever at any time told you about having a former wife, or living with a woman as his wife, in Mississippi; and if you answer that he did so tell you, state what he said about it, and what the name of the woman was?

Ans.

Int. 14. If you answer he had such former wife, or lived with a woman as his wife, state whether or not he told you she was a Cheetaw, white woman, or what she was?

Ans.

Int. 15. If you answer the two last questions in the affirmative, state whether or not your husband, William Simmons, ever told you whether he ever had any children by such woman, and, if so, how many?

Ans.

Q.

Int. 16. State what, if anything, your husband ever told you with reference to what became of such woman, as to whether or not she was alive or dead at the time of your marriage to him?

Ans.

Int. 17. State whether or not your husband William Simmons was of Indian blood; and if you answer that he was, state what kind and how much?

Ans.

Int. 18. State whether or not your husband could talk any Indian language or languages, and, if he could, state what ones or ones, if you know?

Ans.

Int. 19. Describe, in detail, the physical appearance and characterization of your said husband, William Simmons?

Ans.

Int. 20. Do you know whether your husband had any brothers or sisters? If you answer that he had, state their names, the extent of your acquaintance with them, their physical appearance and characteristics, and whether or not, if you know, they or either of them are alive at this time?

Ans.

Int. 21. State whether or not you ever heard your husband speak of a man by the name of Col. Ward? If so, state fully what he said?

Ans.

Int. 22. State whether or not your husband, William Simmons, ever told you anything about his having taken land in Mississippi; and if you answer that he did, state what he said to you in reference thereto, and how he stated he came to be entitled to said land, if he did so state?

Ans.

Int. 23. If you can state in answer to the last interrogatory that he told you he took up land in Mississippi under the terms of a treaty, state if he told you what treaty it was; and, if so, what treaty was it, if you remember?

Ans.

Int. 24. If you answer that he took up land in Mississippi, state if he told you how much land he took, if you remember?

Ans.

Int. 25. State whether or not he told you how long he continued to live on said land; and, if he told you he left or gave up possession of said land, why, if he told you, he did so?

Ans.

Int. 26. State whether or not, if you remember, where your husband, William Simmons, said that said land was located; and, if he did, state where he said it was located, if you remember?

Ans.

Int. 27. Did you ever hear of a man named James or "Jim" Standley? If so, state what you remember about having heard of him, if anything?

Ans.

Int. 28. State whether or not you knew of your husband having any certificate or certificates in his possession?

Ans.

Int. 29. If you answer that you knew of your husband having two certificates, state what was your understanding as to what said certificates were, you, and by whom they were issued, if you know?

Ans.

Int. 30. State when was the first you knew of your husband having said certificates, if you answer that he had them?

Ans.

Int. 31. State the size and appearance of said certificates?

Ans.

Int. 32. State, if you know, what became of said certificates?

Ans.

Int. 33. State whether or not, if you remember, ~~where~~ your husband, ever went back to Mississippi after you were married to him; and if you

answer yes, state how many times he went back, and when, or about when, he went?

Ans.

Int. 34. If you answer that he did go back to Mississippi after your marriage to him, state, if you knew, why he went?

Ans.

Int. 35. State whether or not you and your said husband, William Simmons, ever left or started to leave Alabama for the purpose of going to the Indian Territory; and if you answer that you did start to leave, state whether you went to said Territory, and, if you did not, explain why you did not?

Ans.

Int. 36. If you answer that you and he started to leave Mississippi, were waterbound and then gave up the trip, state whether or not you and your said husband, after that time, continued to live in Alabama until the time of his death.

Ans.

Int. 37. State whether or not your husband informed you as to his ever having been a soldier; and, if he did, state what war he enlisted in, where he enlisted, if you remember, and if he was a commissioned or non-commissioned officer in said war state his rank?

Ans.

Int. 38. State whether or not you draw a pension from the Government of the United States as a widow of said Simmons? If you state that you do, will you attach to your deposition a copy of your pension certificate and have the same marked Exhibit A to your deposition?

Ans.

Int. 39. State the title and number of your pension certificate?

Ans.

Int. 40. State if your husband, William Simmons, ever told you of his serving in any special capacity in said Seminole War?

Ans.

Int. 41. After the death of your husband, state where you have lived from that time to the time of the taking of your deposition?

Ans.

Int. 42. When did you first come to Madill, Ind. Ter.?

Ans.

Int. 43. State your husband's habits with reference to the use of intoxicating liquors, and whether or not he was a man who accumulated and took care of his property?

Ans.

Int. 44. State whether or not he devoted himself to making a living for the support of yourself and the other members of your family, or whether or not you were compelled to assist in doing this?

Ans.

Int. 45. State if you ever heard your husband sing Indian songs, and, if so, state when and under what circumstances he would do so?

Ans.

Int. 46. State fully any other facts or circumstances which you may know which will shed any light upon the question of the identification of your relatives mentioned in the first part of these interrogatories as Mississippi Choctaws?

Ans.

REFER TO M O R

Gap Ann. Ables case

Consolidated Case.

Indian woman full
husb
an Englishman
(Names not given)

William Simmons 12
wife
1st Mrs Foster
2nd Lucretia Simmons

Jess Ann Ables 54 1/4
mar
Andrew Jackson Ables
part white & negro

Lula Wright 37 1/8
mar
James Merrideth Wright, w

William M Ables 35 1/8
mar
Louie Ables, w

Mary J. Warrock 33 1/8
mar
W. K. Warrock w

Sarah Ann Holt 21 1/8
mar
James Crawford Holt, w

John Thomas Abels 30 1/8
mar
Ella Abels w

James A Ables 25 1/8
mar
Theodosia Anna Ables, w

Joseph Edward Ables 22 1/8

Robert Ables 21 1/8
mar
Sophie Ables

Andrew Jackson Ables Jr. 18
George Washington " 16
Leonard " 11
Reota " 11

James Dewey Wright 30
Mary Musette " 1

Jesse B. Ables 15
William Lloyd Ables 11
Lillian Ables 8
Bertha Ables 5
William Morris Ables 1

Willie May Warrock 14
Vera Ann " 12
Lula Jewell " 10
S. Gouldy " 7

Walter Andrew Holt 8
Opal May " 7
J. C. " 1

Luther Abels 7
Arthur " 6
Annie " 3

John Lewis Ables, 5 mo.

John H. Simmons ?

Ellen Carnes 44/74

mar.

Pryor Carnes, 11

William D. "

William F. "

Arthur May Carnes 18

Ira Belle " 14

Valeria K. " 12

William Edward " 11

Joseph Ernest " 9

Luellen " 7

Wiley " 6

Essie " 3

Jessie B. Glenn 41/74

mar

Francis M. Glenn, 11

Lee G. Glenn 20

Hessie M. " 14

Joane B. " 11

Edith E. " 7

William Lewis " 4

William Simmons "

wife

1st Mrs Foster

2nd Lucretia Simmons

Indian woman full
husb
All Englishman
(Names not given)

Copy.

In the matter of the application of Icy Ann Ables,
et al: For citizenship as Mississippi Choctaws, No. _____

Icy Ann Ables, after being duly sworn states as follows.

I have read the application reported to be signed by Lucretia Simmons, by marriage, dated at the beginning thereof July 1, 1882: The description given therein of William Simmons, who was my father as being of fair skin, blue eyes and sandy hair, is entirely incorrect. The correct description of William Simmons, my father is as follows, He had very dark brown eyes, dark swarthy complexion, black coarse hair, at the time of his death he had only a few streaks of grey hair, being then 65 years old, dying in the year 1872.

He did not at the time of his death have a defected tooth, all being white and sound, clear of all defects.

The affiant states that it was always her understanding that her said father was borned in the State of Mississippi and that she never heard from any source that he was borned in Warren County Georgia or any other place in said State. The affiant further states that she has often heard her father state that he resided in the State of Georgia for a period of three months, and at that time resided in LaFayette County, and never resided in any other place or County for any length of time.

The affiant states that in February 1907, she will have reached the age of fifty-eight years, that her Post Office address is Madill, Indian Territory.

She hereby attaches to this affidavit, a lock of her hair.

The affiant further states that after she and her kinfolds moved to the State of Texas, concealed the fact that they were of Indian blood, as they felt that they people there would consider it degrading and would consider them not as good as English people.

Dated and signed this 30th day of April, 1906.

(Signed) Icy Ann Ables.

(lock of hair attached
to original affidavit).

COPY.

Indian Territory,
Southern District.

Before me, W.B. Hancock, a Notary Public, within and for the Southern District of the Indian Territory, appeared in person, Icy Ann Ables, well known to me to be the person who signed and executed the foregoing instrument, and acknowledged before me that the statements set forth therein, are true, perfect and correct to the best of her knowledge and belief.

And that the lock of dark brown or black hair is the one and the same this day taken from her hair.

In testimony whereof, witness my hand and seal this 30th day of April, 1906.

(Signed) W.B. Hancock,

Notary Public

My Com. Expires Jan. 14, 1909.

(Seal).

Copy.

UNITED STATES OF AMERICA,)
) S.S.
DISTRICT OF COLUMBIA,)

William W. Wright, being duly sworn according to law,
on oath states:

That he is attorney of record for applicant; that the
foregoing is filed in good faith, and not for the purpose of
delay; that he served a true and correct copy of same upon
Messrs. Mansfield, Mc Murray & Cernish, attorneys of record of
the Choctaw and Chickasaw nations, by forwarding the same to them,
addressed to their postoffice address, South McAlester, Indian
Territory, by registered mail, registry receipt for which is
hereunto attached.

(Signed) William W. Wright.

Subscribed and sworn to before me this 14th day of May, 1906.

(Signed) S.A. Terry

Notary Public.

(Seal)

(Registry receipt attached)

Endorsed as follows:

Before the Honorable,
The Secretary of the Interior.

In Re Application of Icy Ann Ables et al
Miss. Choc. Applicants.

Affidavit of Icy Ann Ables in support of Motion for Review.

W.W. Wright of Counsel Corcoran Bldg. Washington, D.C.

Department of the Interior,

RECEIVED.

May 16 1906

Enc. No. 1 of No. 5519

Indian Territory Division.

Sub

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Icy Ann Ables, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of:

Icy Ann Ables, et al.,	M.C.R. 4977
Lula Wright, et al.,	M.C.R. 5060
William W. Ables, et al.,	M.C.R. 4980
Mary J. Warrock, et al.,	M.C.R. 4981
Sarah Ann Holt, et al.,	M.C.R. 4982
John Thomas Abels, et al.,	M.C.R. 4976
James A. Ables,	M.C.R. 4983
Joseph Edward Ables,	M.C.R. 4993
Robert Ables, et al.,	M.C.R. 4994
Ellen Carnes, et al.,	M.C.R. 4978
Josie B. Glenn, et al.,	M.C.R. 4979

List of papers forwarded the Secretary of the Interior with
record in the above case, together with page-occupied by each in
said record.

	Page
Original application of Icy Ann Ables, et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Petition of Icy Ann Ables addressed to the Dawes Commission requesting the taking of the deposition of Lucretia Simmons	7
Proof of service of interrogatories upon Mansfield, McMurray and Cornish	8
Commission to take the deposition of Lucretia Simmons	9
Caption	10
Direct interrogatories propounded to Lucretia Simmons and answers thereto	11
Cross Interrogatories propounded to Lucretia Simmons and answers thereto	22

Certificate of the notary taking the above deposition	29
Certified copy of marriage record of A. J. Ables and Ioy Ann Simmons	30
Original application of Lula Wright, et al., for identification as Mississippi Choctaws	31
Copy of marriage record between J. M. Wright and Miss Lula Ables	36
Original application of William M. Ables, et al., for identification as Mississippi Choctaws	37
Marriage record between Wm. M. Ables and Miss L. P. McDaniels	42 a
Original application of Mary J. Warrock, et al., for identification as Mississippi Choctaws	43
Certified copy of marriage record between W. L. Warrock and Miss M. J. Ables	48
Original application of Sarah Ann Holt, et al? for identification as Mississippi Choctaws	49
Marriage record between J. C. Holt and Miss Sarah Ables	53
Original application of John Thomas Abels et al., for identification as Mississippi Choctaws	54
Marriage record between J. T. Ables and Miss Ella Rollins	59
Original application of James A. Ables for identification as a Mississippi Choctaw	60
Marriage record between James A. Ables and Miss T. A. Hay	64
Original application of Joseph Edward Ables for identification as Mississippi Choctaw	68
Original application of Robert Ables, et al., for identification as Mississippi Choctaws	70
Marriage record between R. L. Able and Miss Sophie Sullivan	75
Original application of Ellen Carnes, et al., for identification as Mississippi Choctaws	76
Original application of Josie B. Glenn, et al., for identification as Mississippi Choctaws	82
Testimony of Andrew Jackson Ables, taken at Muskogee, I.T. April 2, 1902, in behalf of all the applicants herein	87

Certified copy of marriage record between Wm Simmons
and Lucretia Dunn

93

Certified copy of marriage record between P. M. Glenn
and Miss Josephine B. Simmons

94

Decision of the Commission refusing the applications
embraced in the consolidated case of Icy Ann Ables,
et al., for identification as Mississippi Choctaws

95

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskegee, I. T., January 20th, 1905.

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In the matter of the application of Icy Ann Ables, et al. for identification as Mississippi Choctaws, consolidating the applications of

Icy Ann Ables, et al.,	M C R 4977
Lula Wright, et al.,	M C R 5060
William M. Ables, et al.,	M C R 4980
Mary J. Warrook, et al.,	M C R 4981
Sarah Ann Holt, et al.,	M C R 4982
John Thomas Ables, et al.,	M C R 4976
James A. Ables,	M C R 4983
Joseph Edward Ables,	M C R 4993
Robert Ables, et al.,	M C R 4994
Ellen Carnes, et al.,	M C R 4978
Jessie B. Glenn, et al.,	M C R 4979

On December 30, 1904, the Department with its letter of that date (I T D 10317, 10600-1904), granted the motion of John T. Ables, one of the applicants in the case, praying that the testimony be taken by deposition or otherwise of Thomas Sandwith Ashley, of Madill, Indian Territory, and directed the Commission to secure such testimony as early as possible. Such evidence preferably to be taken in the form of the personal testimony of Mr. Ashley.

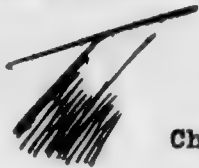
In accordance with instructions of the Department of December 30, 1904, the Commission, on January 6, 1905, notified the principal applicants in the consolidated Mississippi Choctaw case of Icy Ann Ables, et al., their attorneys of record, George E. Rider, Madill, Indian Territory, and W. W. Wright, Madill, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, that it would, at its office at Muskegee, Indian Territory, on Friday, January 20, 1905, at nine o'clock A. M., hear the testimony of Thomas Sandwith Ashley, of Madill, Indian Territory, to be used in evidence in the consolidated Mississippi Choctaw case of Icy Ann Ables, et al.

On January 11, 1905, there was received from Geo. E. Rider, one of the attorneys for the applicants in this cause, a petition to take the testimony of the witness, Thomas Sandwith Ashley, in the form of a deposition upon interrogatories. The direct interrogatories to be propounded to Thomas Sandwith Ashley accompanied the petition. No proof of service of a copy of the petition and direct interrogatories upon Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, has been filed with this office.

Now on this 20th day of January, 1905, at 9 o'clock A. M. at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, this cause being called for a hearing of the personal testimony of Thomas Sandwith Ashley, none of the applicants appeared either in person or by attorney nor was the witness, Thomas Sandwith Ashley present. W. H. Moore representing the firm of Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, appearing in person objected to the taking of the testimony of the witness, Thomas Sandwith Ashley, in the form of a deposition, and requested that the Commission delegate a representative for the purpose of taking the personal testimony of the witness.

Upon consideration of this request, the petition of the applicants to take the testimony of Thomas Sandwith Ashley in the form of a deposition is hereby denied, and the further hearing of this case is continued until Tuesday, January 24, 1905, at two o'clock P. M. at the office of George E. Rider, at Madill, Indian Territory, for the purpose of personally securing the testimony of Thomas Sandwith Ashley; notice of the taking of such testimony to be furnished Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, George E. Rider and W. W. Wright the attorneys for the applicants.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,



Chairman.

COPY,

C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Icy Ann Ables, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of:

Icy Ann Ables, et al.,	M.C.R. 4977 ✓
Lula Wright, et al.,	M.C.R. 5060
William M. Ables, et al.,	M.C.R. 4980 ✓
Mary J. Warrock, et al.,	M.C.R. 4981 ✓
Sarah Ann Holt, et al.,	M.C.R. 4982 ✓
John Thomas Ables, et al.,	M.C.R. 4976 ✓
James A. Ables,	M.C.R. 4983 ✓
Joseph Edward Ables,	M.C.R. 4993 ✓
Robert Ables, et al.,	M.C.R. 4994 ✓
Ellen Carnes, et al.,	M.C.R. 4978 ✓
Josie B. Glenn, et al.,	M.C.R. 4979 ✓

---: D E C I S I O N :---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Icy Ann Ables for herself and her four minor children, Andrew
Jackson Jr., George Washington, Leonard and Leota Ables; by Lula
Wright for herself and her two minor children, James Dewey and Mary
Musett Wright; by William M. Ables for himself and his five minor
children, Jesse B., William Lloyd, Lillian, Bertha and William

Monroe Ables; by Mary J. Warrock for herself and her four minor children, Willie May, Vera Ann, Lula Jewell and S. Gouldy Warrock; by Sarah Ann Holt for herself and her three minor children, Walter Andrew, Opal May and J. C. Holt; by John Thomas Ables for himself and his four minor children, Luther, Arthur, Annie and Lula Jewel Ables; by James A. Ables for himself; by Joseph Edward Ables for himself; by Robert Ables for himself and his minor child, John Lewis Ables; by Ellen Carnes for herself and her eight minor children, Auther May, Ida Belle, Valeria N., William Edward, Joseph Ernest, Luellen, Wiley and Dovie Carnes; and by Josie B. Glenn for herself and her five minor children, Lee G., Hessie M., Josie B., Edith E. and William Lewis Glenn, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of William Simmons, who is alleged to have been a half blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It is found that the name William Simmons appears on page 637 of Volume 7, American State Papers, Public Lands, and on page 51 of Volume 1 of the Claimant's Brief and Evidence in the case of the Choctaw Nation versus the United States before the Court of Claims

No. 12742, in a certain deposition relating to claims under the treaty of "Dancing Rabbit Creek." It does not appear from the evidence submitted by the applicants herein that the William Simmons from whom they claim, is the identical William Simmons whose name appears in the records above cited.

The attorneys for the several applicants herein make special reference to the names of Daniel Harris and Reuben Harris as being found in the index of Volume 7, American State Papers, Public Lands. From an examination of said index it is found that it refers to pages 89, 94, 105, 135 and 136 of that record, wherein the names of such persons appear in certain lists, depositions and schedules relating to claims under the treaty of "Dancing Rabbit Creek." The names are referred to only in the testimony of the principal applicant as the names of brothers of her maternal grandmother whose name is not given. Such persons not being ancestors of any of the applicants, any rights they may have acquired under article fourteen of the treaty of "Dancing Rabbit Creek" could not avail applicants herein in the adjudication of their rights as Mississippi Choctaws.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said William Simmons signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ioy Ann Ables, Andrew Jackson Ables Jr., George Washington Ables, Leonard Ables, Lecta Ables, Lula Wright, James Dewey Wright, Mary Musett Wright, William M. Ables, Jesse B. Ables, William Lloyd Ables, Lillian Ables, Bertha Ables, William Monroe Ables, Mary J. Warrock, Willie May Warrock, Vera Ann Warrock, Lula Jewell Warrock, S. Gouldy Warrock, Sarah Ann Holt, Walter Andrew Holt, Opal May Holt, J. C. Holt, John Thomas Ables, Luther Ables, Arthur Ables, Annie Ables, Lula Jewel Ables, James A. Ables, Joseph Edward Ables, Robert Ables, John Lewis Ables, Ellen Carnes, Auther May Carnes, Ida Belle Carnes, Valeria N. Carnes, William Edward Carnes, Joseph Ernest Carnes, Luellen Carnes, Wiley Carnes, Devie Carnes, Josie B. Glenn, Lee G. Glenn, Hessie M. Glenn, Josie B. Glenn (2), Edith E. Glenn and William Lewis Glenn, as Choctaw Indians entitled to rights

in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tams Bixby.

Chairman.

(SIGNED).

T. B. Needles.

COMMISSIONER.

(SIGNED).

C. R. Breckinridge.

COMMISSIONER.

Muskogee, Indian Territory,

APR 29 1903.

(SIGNED).

W. E. Stanley.

COMMISSIONER.

Muskogee, Indian Territory, April 18, 1902.

G. E. Rider,

Attorney at Law,

Madill, Indian Territory,

Dear sir:

Receipt is hereby acknowledged of your letter of April 16, asking to be supplied with copies of the testimony in certain applications for identification as Mississippi Choctaws named by you. You also inquire whether the commission will hear applications for identification as Mississippi Choctaws at Muskogee within the next two weeks.

In reply to your letter you are advised that the Commission will hear the applications of persons who present themselves at its office at Muskogee, Indian Territory for identification as Mississippi Choctaws, but it is suggested that your clients who desire to make such applications should do so as early as practicable.

You are advised that it does not appear from our records that you have complied with the rules and regulations governing the admission of attorneys and agents who desire to practice before the Commission, and before you can be further recognized as attorney be-

C.B.R. 2

fore the Commission or be supplied with copies of testimony of applicants for identification as Mississippi Choctaws, it will be necessary for you to comply with the said rules and regulations of the Commission, a copy of which is inclosed herewith for your information.

Yours truly,

Acting Chairman.

AB 1-18

Miss. Chootaw 4977

Muskogee, Indian Territory, April 28, 1902.

George W. Rider,

Attorney at Law,

Madill, Indian Territory,

Dear Sir:

In compliance with the request contained in your letters of recent date there are inclosed you herewith copies of the testimony of the applicants in each of the following applications for identification as Mississippi Chootaws, together with receipts therefor, which please sign and return to this office:

4976, John T. Ables, et al.
4977, Icy Ann Ables, et al.
4978, Ellen Carnes, et al.
4979, Josie B. Glenn, et al.
4980, William M. Ables, et al.
4981, Mary J. Warrock, et al.
4982, Sarah Ann Holt, et al.
4983, James A. Ables
4993, Joseph E. Ables
4994, Robert Ables, et al.

The testimony in the matter of the application of Lula Wright, et al. M.C. 5060, included in your list, has not yet been transcribed.

You are advised that a deposition taken in support of the application of Icy Ann Ables, et al. will be considered in the cases

G.N.R. F

of other applicants claiming descent from the same common ancestor, provided that the same be taken in accordance with the rules and regulations of the Commission governing the taking of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules is inclosed herewith for your information.

Yours truly,

Commissioner in Charge.

AM 1-28
Rules for taking
depositions.

Received of the Commission to the five Civilized
Tribes one copy of the testimony of Icy Ann Ables in the matter of
her application for the identification of herself and her minor
children as Mississippi Choctaws, M.C. 4977.

Geo. E. Rider

Dated at Madill, Ind. T.,
this May 8, 1902.

Miss. Choctaw 4977.

Muskogee, Indian Territory, May 12, 1902.

G. E. Rider,

Madill, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 9, in the matter of the application for identification as Mississippi Choctaws of Icy Ann Ables, et al., in which you state that you wish to take depositions of witnesses, and ask whether it is necessary, under rule 2 (a), to serve copies of the interrogatories upon any person; you ask that, if the attorneys for the Choctaw and Chickasaw Nations are the proper persons to serve, you be informed who are the attorneys for the said nations.

In reply to your letter you are advised that before a commission to take depositions can issue from this office it will be necessary for applicants to show proof of service of interrogatories on the attorneys for the Choctaw and Chickasaw Nations, and you are informed that Mansfield, Mowurray & Cornish, South McAlester, Indian Territory, are the attorneys who represent the Choctaw and Chickasaw Nations.

If you desire to take depositions in the case of Icy Ann Ables, et al., you will be permitted to make proper showing of this

C.H.B. 1

Send and file interrogatories, together with proof of service of same, within thirty days from this date.

Yours truly,

Acting Chairman.

M.C.R.4977

Muskogee, Indian Territory, May 20, 1902.

Messrs. Soper and Rider,

Attorneys at Law,

Madill, Indian Territory.

Gentlemen:-

The Commission is in receipt of your communication of the 19th inst. enclosing the affidavit of Ioy Ann Ables, an applicant before this Commission for identification as a Mississippi Choctaw, wherein she sets forth her reasons for desiring to have the deposition of Lucretia Simmons taken. It is also noted that you have made arrangements to have Messrs. Mansfield, McMurray and Cornish, attorneys for the Choctaw and Chickasaw Nations, served with a copy of said affidavit and interrogatories and make proof of such service to this Commission.

You are advised that the affidavit and interrogatories above referred to will be placed on file, and when proof of service of copies thereof on the attorneys for the Choctaw and Chickasaw Nations is made to this Commission, and the proper time thereafter has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued for the taking of the deposition of Lucretia Simmons, and the same

Seper and Rider-----2

forwarded to you to be placed in the hands of an official authorized by law to take depositions.

Yours truly,

Commissioner in Charge

M.C.R. 4977

Muskogee, Indian Territory, May 23, 1902.

Messrs. Soper & Rider,

Attorneys at Law,

Madill, Indian Territory

Gentlemen:-

The Commission is in receipt of your communication of the 21st inst. enclosing proof of service upon Messrs. Mansfield, McMurray and Cornish, attorneys for the Choctaw and Chickasaw Nations of interrogatories to be propounded to Lucretia Simmons in the matter of the application of Ioy Ann Ables, et al., for identification as Mississippi Choctaws. Same being in due form, is filed with and made a part of the record in said application, and when the proper time has elapsed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued for the taking of this deposition, and same will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions .

Yours truly,

Acting Chairman

M.C.R. 4977

Muskogee, Indian Territory, June 6, 1902.

Messrs. Soper & Rider,

Attorneys at Law,

Madill, Indian Territory.

Gentlemen:-

Enclosed please find commission to take the deposition of Lucretia Simmons, whereto are attached direct and cross interrogatories, also caption and certificate to be filled out by the officer before whom said deposition is taken.

Upon receipt of same, you will see that they are placed in the hands of an officer authorized by law to take depositions and upon the completion of the taking thereof, return same at once to the Commission, in order that this case may be brought to a final determination.

Yours truly,

Acting Chairman

Enclosure
G.H. 63

Miss. Chootaw R4977

Muskogee, Indian Territory, June 21, 1902.

George E. Rider,

Attorney at Law,

Madill, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the deposition of Lucretia Simmons, to be read in evidence in the application of Icy Ann Ables, et al. for identification as Mississippi Chootaws, taken before E. D. Slough, Notary Public. The same has been filed with the record in this case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

Miss. Choctaw R6677

Muskogee, Indian Territory, June 21, 1908.

E. D. Slough,

Madill, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the deposition of Lucretia Simmons to be read in the matter of the application for identification as Mississippi Choctaws of Iey Ann Ables, et al., taken before you as Notary Public. The same has been filed with the record in this case.

Yours truly,

Commissioner in Charge.

Miss. Choctaw R4977

Muskogee, Indian Territory, June 21, 1902.

George E. Rider,

Attorney at Law,

Madill, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 19, inclosing evidence to be filed with certain applications for identification as Mississippi Choctaws, as follows:

Certified copy of marriage license and certificate between Wm. Simmons and Lucretia Dunn, father and mother of Josie B. Glenn, offered in the application of Josie B. Glenn, et al.

Marriage license and certificate between R. L. Able and Sophie Sullivan, offered in support of the application of Robert Ables et al.

Marriage license and certificate between J. M. Wright and Lula Ables, offered in support of the application of Lula Wright, et al.

Marriage license and certificate between J. C. Holt and Sarah Ables, offered in support of the application of Sarah Ann Holt, et al.

Marriage license and certificate between J. T. Ables and Ella Rollins, offered in support of the application of John T. Ables et al.

G.E.R. 2

Marriage license and certificate between Wm. M. Ables and Miss L. P. McDaniels, offered in support of the application of William M. Ables, et al.

Marriage license and certificate between J. A. Ables and Miss T. A. Hay, offered in support of the application of J. A. Ables.

Certified copy of marriage license and certificate between W. L. Warrock and Miss M. J. Ables, offered in support of the application of Mary J. Warrock, et al.

Certified copy of marriage license and certificate between A. J. Ables and Icy Ann Simmons, offered in support of the application of Icy Ann Ables, et al. for identification as Mississippi Choctaws.

The same have been filed with the records in the cases above named and will receive consideration in the disposition of the applications.

Yours truly,

Muskogee, Indian Territory, July 26, 1902.

Icy Ann Ables,

Madill, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 3, 1902, in which you state that you would like to have your case passed on at once; that large land holders are now turning loose land and that if you are entitled to a claim you have a better chance to get land than you will ever have again.

In reply you are informed that the records of the Commission show that you are an applicant for the identification of yourself and minor children as Mississippi Choctaws and that your case has been consolidated with certain other persons applicants to this Commission for identification as Mississippi Choctaws, claiming descent from the same common ancestor, William Simmons.

No decision has yet been reached nor opinion rendered relative to the right of the several applicants in this consolidated case to such identification. The Commission has this consolidated case now under consideration and will in the near future render its decision when you will be duly notified of such action as may be taken thereon and of the forwarding of the record to the

I. A. 1-2.

Secretary of the Interior for review.

Yours truly,

Commissioner in Charge.

H O R 4877

Mustoge, Indian Territory, July 22, 1902.

George M. Rider,

Medill, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 30th ultime, enclosing certified copy of marriage record between F. M. Glenn and Josephine B. Simmons which you offer for filing in support of the application of Iay Ann Ables for the identification of herself and her minor children as Mississippi Choctaws, and the same has been duly filed with the record in this case.

Yours truly,

Commissioner in Charge.

Choctaw 384, 330.
Mississippi Choctaw
4976, 4977.

Muskogee, Indian Territory, September 18, 1902.

John D. Benedict,

Superintendent of Schools,

Muskogee, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 16, asking if the following named children are regularly enrolled as Choctaws by blood:

William Lee Buckles, age 11.	Luther Ables, age 7.
John P. Buckles, age 6.	Leonard Ables, age 11.
Fannie Buckles, age 9.	Leta Ables, age 11.
Arthur Ables, age 6.	Elizabeth Betsey Null, age 10.
	Sarah Leta Null, age 13.

In reply to your letter you are advised that it appears from our records that William Lee Buckholts, Fannie Olive Buckholts and John P. Buckholts Jr., were, on October 1, 1898, listed for enrollment by this Commission as Choctaws by blood, having been identified from the 1896 Census Roll of the Choctaw Nation. Their ages at that time were seven, five and two years respectively.

It further appears from our records that Arthur Ables, age 6, Luther Ables, age 7, and Leonard and Leta Ables, age 11 years each, are applicants before this Commission for identification as Mississippi Choctaws, and that no decision nor opinion has yet been rendered relative to their rights as such Mississippi Choctaws.

J.D.N. 2

It also appears from the records of the Commission that on September 25, 1898, Bessie Hull and Leeta Hull, whose ages at that time were eleven and ten years respectively, were listed for enrollment as Choctaws by blood, their names having been identified from the 1896 Census Roll of the Choctaw Nation.

It is believed that the children named above are the children referred to in your letter.

Yours truly,

Acting Chairman.

Miss. Choctaw 4977

Muskogee, Indian Territory, October 13, 1902.

George F. Rider,
Attorney at Law,
Madill, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 7, in the matter of the applications for identification as Mississippi Choctaws of Icy Ann Ables, et al.

You are advised that the Commission is now considering the applications for identification of the several persons included in the consolidated Mississippi Choctaw case of Icy Ann Ables, et al. and it is probable that a decision will be reached within the near future. When such decision is rendered you and each of the applicants will be duly notified of the action of the Commission and of the forwarding of the record in the case to the Secretary of the Interior for review.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 11, 1903.

G. E. Rider,
Attorney at Law,
Madill, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 6th, in which you state that four of the applicants in the consolidated Mississippi Choctaw case of Ioy Ann Ables have had children born to them since the date of their applications and you ask if it will be necessary for the parents of each of said children to appear personally before the Commission to make application for their enrollment.

In reply to your letter you are advised that there are enclosed you herewith four blank forms for proof of birth upon which may be forwarded to the Commission proof of the birth of these children. In having the same executed be careful to see that all blanks are properly filled, all names written in full, and in event either of the persons whose names are to be affixed to the affidavits are unable to write and their signatures are by mark, that such signatures be attested by two disinterested parties, witnesses thereto.

The notary public before whom the acknowledgments of the

G E R 2

mother and the attending physician or nurse are made, must affix his notarial jurat and seal to each separate affidavit.

Respectfully,

Chairman.

4 B. C.

COPY.

M.C.R. 4977

Muskogee, Indian Territory, April 29, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 29th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Icy Ann Ables, et al., embracing the following applications for identification as Mississippi Choctaws:

Icy Ann Ables, et al.,	M.C.R. 4977
Lula Wright, et al.,	M.C.R. 5060
William M. Ables, et al.,	M.C.R. 4980
Mary J. Warrock, et al.,	M.C.R. 4981
Sarah Ann Holt, et al.,	M.C.R. 4982
John Thomas Ables, et al.,	M.C.R. 4978
James A. Ables,	M.C.R. 4983
Joseph Edward Ables,	M.C.R. 4993
Robert Ables, et al.,	M.C.R. 4994
Ellen Carnes, et al.,	M.C.R. 4976
Jessie B. Glenn, et al.,	M.C.R. 4979

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Icy Ann Ables, Andrew Jackson Ables, Jr., George Washington Ables, Leonard Ables, Leota Ables, Lula Wright, James Dewey Wright, Mary Musett Wright, William M. Ables, Jesse B. Ables, William Lloyd Ables,

Lillian Ables, Bertha Ables, William Monroe Ables, Mary J. Warreck, Willie May Warreck, Vera Ann Warreck, Lula Jewell Warreck, S. Gouldy Warreck, Sarah Ann Holt, Walter Andrew Holt, Opal May Holt, J. C. Holt, John Thomas Ables, Luther Ables, Arthur Ables, Annie Ables, Lula Jewel Ables, James A. Ables, Joseph Edward Ables, Robert Ables, John Lewis Ables, Helen Carnes, Luther May Carnes, Ida Belle Carnes, Valeria E. Carnes, William Edward Carnes, Joseph Ernest Carnes, Luellen Carnes, Wiley Carnes, Devie Carnes, Jessie B. Glenn, Lee G. Glenn, Hennie M. Glenn, Josie B. Glenn (2), Edith E. Glenn and William Lewis Glenn, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED,

Tamr Bixby.
Chairman.

Muskogee, Indian Territory, May 8, 1903.

G. H. Rider,
Attorney at Law,
Madill, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, relative to the decision of the Commission refusing the several applications included in the consolidated Mississippi Choctaw case of Icy Ann Ables, et al. You ask that you be furnished with a copy of the decision of the Commission in this case, and that thirty days, instead of fifteen, be allowed within which to file argument.

In reply you are informed that a copy of the decision of the Commission refusing the several applications in this consolidated case is herewith enclosed.

The fifteen days allowed applicants in Mississippi Choctaw cases within which to file arguments in support of their claims, are granted under specific departmental instructions and cannot be extended.

Respectfully,

Muskogee, Indian Territory, May 12, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your motion for an extension of time within which to file application supported by affidavit for rehearing in the matter of the consolidated Mississippi Choctaw case of Icy Ann Ables.

In reply you are informed that the fifteen days from April 29, 1903, heretofore granted in this case, will expire on May 14, 1903. On May 15, 1903, the record in this case, together with your motion herein referred to, will be forwarded to the Secretary of the Interior.

The fifteen days allowed applicants in Mississippi Choctaw cases within which to file arguments in support of their claims are granted under specific departmental instructions and cannot be extended.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, May 15, 1903.

G. E. Rider,
Attorney at Law,
Madill, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, in which you state "Some months ago I wrote the Commission a letter setting forth my reasons, in the form of an argument, why the applicants in the Mississippi Choctaw case of Icy Ann Ables, et al. should be identified" and ask if the letter above referred to will be forwarded with the other papers in this case to the Secretary of the Interior.

In reply you are informed that said letter will be transmitted with the record in the consolidated Mississippi Choctaw case of Icy Ann Ables, et al., to the Secretary.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, May 15, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Icy Ann Ables, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 29, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Icy Ann Ables, et al.,	M.C.R. 4977
Lula Wright, et al.,	M.C.R. 5060
William M. Ables, et al.,	M.C.R. 4980
Mary J. Warrock, et al.,	M.C.R. 4981
Sarah Ann Helt, et al.,	M.C.R. 4982
John Thomas Ables, et al.,	M.C.R. 4976
James A. Ables,	M.C.R. 4983
Joseph Edward Ables,	M.C.R. 4993
Robert Ables, et al.,	M.C.R. 4994
Ellen Carnes, et al.,	M.C.R. 4978
Jessie B. Glenn, et al.,	M.C.R. 4979

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

There are also enclosed, argument, in the form of a letter, of George H. Rider, attorney for applicants, and motion of Thomas &

Secretary---2.

Harrison, attorneys for applicants, for an extension of time in which to present newly discovered evidence, in relation to this case, filed with the Commission subsequent to the rendition of the decision herein.

Respectfully,

(SIGNED)

T. E. Needles

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.
2 Enc. M.C.R. 4977.

Muskogee, Indian Territory, July 2, 1903.

G. E. Rider,
Attorney at Law,
Madill, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 8, 1903, in which you ask if the Mississippi Choctaw case of Ioy Ann Ables, et al., has been forwarded to the Department of the Interior.

In reply you are informed that the record in said case was on May 15, 1903, forwarded to the Secretary of the Interior.

Respectfully,

Chairman.

Muskogee, Indian Territory, September 1, 1903.

G. E. Rider,
Attorney at Law,
Madill, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th ultimo, relative to the Mississippi Choctaw case of Icy Ann Ables, et al. You state "This matter is now pending before the Interior Department. I have a witness whose testimony is very important in the case. To show its materiality I herewith enclose a sworn statement made by the witness." You further state that you desire to introduce the testimony of this witness and others, who are very old, at as early a date as possible.

In reply you are informed that pending departmental action on the above case the Commission is without authority to receive or consider any evidence offered in support thereof.

The affidavit enclosed by you is herewith returned.

Respectfully,

Commissioner in Charge.

C O P Y

J.V.H.

DEPARTMENT OF THE INTERIOR,
WASHINGTON. FHE.

D.C. #14 (1905)

I.T.D. 10317-1904.
10600- "

December 30, 1904.

Direct.

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 15, 1903, you transmitted the record in the matter of the application of Loy Ann Ables (M.C.R. 4977), et al., for identification as Mississippi Choctaws. Said record was forwarded to the Department October 14, 1904, by the Acting Commissioner of Indian Affairs.

After the papers in the case were transmitted by you, a motion was filed through the Commissioner of Indian Affairs, addressed to the Secretary of the Interior, signed by John T. Ables, one of the applicants in the case, praying that the testimony be taken, by deposition or otherwise, of Thomas Sandwith Ashley, of Vadill, Indian Territory. A copy of said motion was forwarded by registered mail September 20, 1904, to the attorneys for the Choctaw and Chickasaw Nations.

The motion of John T. Ables was subscribed by him under oath, and bears the certification of attorneys W. W. Wright and George E. Rider, to the effect that it was filed in good faith and not for the purpose of delay, and that in their

opinion it is material and necessary to the interests of the applicants in the case that the testimony of Mr. Ashley be taken. Attached to the motion is Mr. Ashley's affidavit, which contains statements which, if established, might possibly show satisfactorily that William Simmons, the ancestor of these applicants, was the identical William Simmons for whom land was reserved under the provisions of article 14 of the treaty of September 27, 1830.

Accordingly, the motion of John T. Ables is hereby granted. In view of the advanced age of Mr. Ashley, who is now about 86 years old, it is considered that his testimony should be taken as early as possible. If possible, you will secure the personal testimony of Mr. Ashley. If old age or infirmity prevents his appearance before you, you will cause his deposition to be taken without delay, advising all parties in interest thereof. It is requested that you give this matter immediate attention. Inclosed is the motion of John T. Ables, to which is attached the affidavit of Mr. Ashley. A copy of this letter has been furnished the Indian Office this day. In transmitting Mr. Ashley's testimony it is requested that you advise the Department as to what force, in your opinion, should be given to the same.

Respectfully,

THOS RYAN

1 inclosure.

Acting Secretary.

M C R 4977

Muskogee, Indian Territory, January 6, 1905.

Ioy Ann Ables,

Madill, Indian Territory.

Dear Madam:

You are hereby notified that in accordance with instructions contained in a letter from the Secretary of the Interior, under date of December 30, 1904, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Friday, January 20, 1905, at nine o'clock A. M., hear the testimony of Thomas Sandwith Ashley, of Madill, Indian Territory, whose testimony your attorneys have heretofore petitioned the Secretary of the Interior to receive in support of the consolidated Mississippi Choctaw case of Ioy Ann Ables, et al.

Respectfully,

Chairman.

Registered.

Muskogee, Indian Territory, January 6, 1905.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that in accordance with departmental instructions of December 30, 1904, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Friday, January 20, 1905, at nine o'clock A. M., hear the testimony of Thomas Sandwith Ashley, of Madill, Indian Territory, whose testimony the attorneys for the applicants in the consolidated Mississippi Choctaw case of Icy Ann Ables, et al., have heretofore petitioned the Secretary of the Interior to receive in support of said case.

A copy of departmental letter of December 30, 1904, in reference to this case, is herewith enclosed for your information.

Respectfully,

Chairman.

Registered.
McM XX

M C R 4977

Muskogee, Indian Territory, January 6, 1905.

George E. Rider,
Attorney at Law,
Madill, Indian Territory.

Dear Sir:

You are hereby notified that in accordance with instructions contained in departmental letter of December 30, 1904, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Friday, January 20, 1905, at nine o'clock A. M., hear the testimony of Thomas Sandwith Ashley, of Madill, Indian Territory, whose testimony you have heretofore petitioned the Secretary of the Interior to receive in support of the consolidated Mississippi Choctaw case of Icy Ann Ables, et al.

Respectfully,

Chairman.

Registered.



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

JAN 1 1905

CHAIRMAN

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCOE, IND. TER.



W. W. Wright,

Muskill, Indian Territory.

Reg. No. 3
Reddy, T. H.



JAN 10 1905
F. S. C. O.
MUSKOGEE, IND. T.

W. O. D.

COMMISSIONERS:
TAMM BERRY,
THOMAS B. NEEDLES,
C. R. BERCKENRIDGE.
WM. O. SMALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

M C R 4977

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

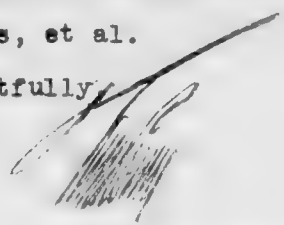
Muskogee, Indian Territory, January 6, 1905.'

W. W. Wright,
Attorney at Law,
Madill, Indian Territory.

Dear Sir:

You are hereby notified that in accordance with departmental instructions of December 30, 1904, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Friday, January 20, 1905, at nine o'clock A. M., hear the testimony of Thomas Sandwith Ashley, of Madill, Indian Territory, whose testimony you have heretofore petitioned the Secretary of the Interior to receive in support of the consolidated Mississippi Choctaw case of Icy Ann Ables, et al.

Respectfully



Chairman.

Registered.

SOPER & RIDER,
LAWYERS,
MADILL, IND. TERR.

(COPY).

January ¹¹~~17~~, 1905.

The Commission to the Five Civilized Tribes,
Muscogee, Indian Territory.

Gentlemen:--

Referring to your communication dated January 6, 1905, in re M.C.R. 4977, wherein I am notified that in accordance with instructions from the Secretary of the Interior under date of December 30, 1904, the Commission will take the testimony of Thomas Sandwith Ashley, I beg to state that my clients inform me that the witness will not be able to appear personally before the Commission; and the applicant, John Thomas Ables, has made an affidavit to the effect that said witness will not be able to attend on account of age and infirmity, and setting forth other facts as required by your rules and regulations, which said affidavit is herewith enclosed, as is also enclosed copy of the interrogatories to be propounded to said Ashley. You are also advised that I have this date sent to be served upon Messrs Mansfield, McMurray & Cornish, at South McAlester, I.T., a copy of said interrogatories. When the service has been had and return made, and the same sent to me, I will at once forward the same to the Commission.

Respectfully,

Geo. E. Rider.

M C R 4977

Muskogee, Indian Territory, January 12, 1908.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

In accordance with your request of the 7th instant,
there are enclosed you herewith copies of all oral testimony taken
in the matter of each application included in the consolidated
Mississippi Choctaw case of Icy Ann Ables, et al., M C R 4977.

Respectfully,

Chairman.

McM 1/12

Muskogee, Indian Territory, January 20, 1906.

George E. Rider,
Attorney at Law,
Madill, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, acknowledging receipt of the Commission's notice of January 6, 1905, in reference to the consolidated Mississippi Choctaw case of Icy Ann Ables, et al., to the effect that the Commission would, at its office at Muskogee, Indian Territory, on Friday, January 20, 1906, at nine o'clock A. M., hear the personal testimony of Thomas Sandwith Ashley.

You state in your letter of the 11th instant that your clients inform you that the witness will not be able to appear personally before the Commission, and transmit the affidavit of John Thomas Ables, one of the applicants, to the effect that the witness is not able to attend the hearing on account of old age and infirmity and setting forth other facts as required by the rules and regulations of the Commission; also a copy of interrogatories to be propounded to the witness, Thomas Sandwith Ashley. You request that the testimony of this witness be taken in the form of a deposition upon the direct interrogatories filed by you and such cross interrogatories as may be filed by the attorneys for the

G E R 2

Choctaw and Chickasaw Nations.

There has never been filed with the Commission any proof of the service of a copy of the petition to take the deposition of Thomas Sandwith Ashley upon the attorneys for the Choctaw and Chickasaw Nations, although you state in your letter of the 11th instant that you had on that date sent to South McAlester to be served upon Messrs. Mansfield, McMurray & Cornish a copy of said petition and direct interrogatories.

You are advised that at the office of the Commission at Muskogee, Indian Territory, on January 30, 1906, at nine o'clock A. M., the consolidated Mississippi Choctaw case of Icy Ann Ables, et al. was called for further hearing for the purpose of securing the testimony of Thomas Sandwith Ashley. No appearance was made at that time by any of the applicants, their attorneys, or the witness, Thomas Sandwith Ashley. The Choctaw and Chickasaw Nations were represented by their attorneys and entered an objection to the taking of the testimony of the witness, Thomas Sandwith Ashley, in the form of a deposition, and asked that a time and place be fixed in the near future for the taking of the personal testimony of the witness. The request of the attorneys for the Choctaw and Chickasaw Nations was granted and no commission will issue to take the deposition of Thomas Sandwith Ashley.

You are further advised that a representative of the

C E R 3

Commission will hear the testimony of the witness at your office at Madill, Indian Territory, on Tuesday, January 24, 1908, at two o'clock P. M.

You are therefore notified to have the witness present at the time and place above set forth in order that his personal testimony may be secured.

Respectfully,

Chairman.

Registered.

M C R 4977

Muskogee, Indian Territory, January 20, 1905.

Mansfield, McKurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes will, at the office of George E. Rider, at Madill, Indian Territory, on Tuesday, January 24, 1905, at two o'clock P. M. hear the testimony of Thomas Sandwith Ashley, of Madill, Indian Territory, in support of the consolidated Mississippi Choctaw case of Iey Ann Ables, et al.

Respectfully,

Chairman.

Registered.

N C R 4977

Muskogee, Indian Territory, January 20, 1905.

W. W. Wright,
Attorney at Law,
Madill, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes will, at the office of George E. Rider, at Madill, Indian Territory, on Tuesday, January 24, 1905, at two o'clock P. M. hear the testimony of Thomas Sandwith Ashley, of Madill, Chickasaw Nation, Indian Territory, in support of the consolidated Mississippi Choctaw case of Icy Ann Ables, et al.

Respectfully,

Chairman.

Registered.

M C R 4977

Muskogee, Indian Territory, February 8, 1905.

Geo. M. Rider,

Madill, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant, forwarding copy of interrogatories which you desired filed in the Mississippi Choctaw case of Icy Ann Ables, et al. A copy of your letter and the interrogatories have been filed with the record in said case.

You ask that you be furnished with a copy of the testimony given by Thomas Sandwith Ashley at Madill, Indian Territory, on January 24, 1905, in support of the case of Icy Ann Ables, et al., and in this connection the Commission has to request, before giving out any copies of said testimony, that you kindly ascertain from Mr. Ashley the name of the particular case in which he heretofore testified before the Commission as to his knowledge of one John Moore, a Mississippi Choctaw.

Respectfully,

Chairman.

Muskogee, Indian Territory, February 20, 1905.

Geo. E. Rider,
Attorney at Law,
Madill, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, in reply to our communication to you under date of February 8th in which you were asked to ascertain from one Thomas Sandwith Ashley the name of the Mississippi Choctaw case in which he had testified prior to January 24, 1905, the date on which he appeared at Madill, Indian Territory, before the Commission and testified in support of the Mississippi Choctaw case of Icy Ann Ables, et al.

The information contained in your letter has enabled us to identify Thomas Sandwith Ashley as a witness in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., whose testimony was taken at the general office of the Commission on August 7, 1903.

As requested, there is herewith enclosed one copy of the testimony of Mr. Ashley given on January 24, 1905, in support of the consolidated Mississippi Choctaw case of Icy Ann Ables, et al.

Respectfully,

M C R 4977

Muskogee, Indian Territory, February 20, 1905.

Manefield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

For your information there is herewith enclosed one copy of the testimony of Thomas Sandwith Ashley given at Madill, Indian Territory, on January 24, 1905, in support of the consolidated Mississippi Choctaw case of Icy Ann Ables, et al.

Respectfully,

Chairman.

McM 92

Muskogee, Indian Territory, March 8, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

On May 15, 1903, the Commission transmitted to the Department the record in the consolidated Mississippi Choctaw case of Icy Ann Ables, et al., together with its decision of April 29, 1903, refusing all the applicants.

With departmental letter of December 30, 1904 (I T D 10317-1904, 10600-1904) there was forwarded to the Commission the sworn petition of John T. Ables, one of the applicants in said case, praying that the testimony of Thomas Sandwith Ashley, of Madill, Indian Territory, be taken by deposition or otherwise, in support of the consolidated Mississippi Choctaw case of Icy Ann Ables, et al.

The Commission was instructed by the Department to secure the testimony of Mr. Ashley and in transmitting the same to advise what force, in our opinion, should be given to the same.

On January 6, 1905, the several applicants in the above consolidated case, their attorneys of record, Geo. E. Rider and W. W. Wright, of Madill, Indian Territory, and Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations,

were notified by registered mail that the Commission would, at its office at Muskogee, Indian Territory, on Friday, January 20, 1905, at nine o'clock A. M., hear the personal testimony of Thomas Sandwith Ashley in support of the consolidated Mississippi Choctaw case of Ioy Ann Ables, et al.

Under date of January 11, 1905, Geo. H. Rider, one of the attorneys for the applicants, forwarded to this office the affidavit of John T. Ables in which it was stated that Ashley was unable to personally appear before the Commission, and requested that his testimony be taken in the form of a deposition. There was also enclosed a copy of the interrogatories to be propounded to the said Ashley, but none of the papers bore proof of service of a copy thereof upon Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations.

On January 20, 1905, at nine o'clock A. M. at the office of the Commission at Muskogee, Indian Territory, this cause was called for a hearing of the personal testimony of said Ashley, but neither the applicants, their attorneys, nor the witness were present. However, W. H. Moore, a representative of Mansfield, McMurray & Cornish, was present and entered an objection to taking the testimony of Thomas Sandwith Ashley in the form of a deposition.

Upon consideration of the above protest on the part of the

attorneys for the Choctaw and Chickasaw Nations, the petition of the applicants to take the testimony of Ashley in the form of a deposition was denied, and the further hearing in the case was continued until Tuesday, January 24, 1905, at two o'clock P. M. at the office of Geo. E. Rider, Madill, Indian Territory. Notice of this continuance was furnished Geo. E. Rider and W. W. Wright, the attorneys for the applicants, and Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations.

The witness, Thomas Sandwith Ashley, appeared before the Commission at Madill, Indian Territory, on the date above given, and his testimony together with such other additional proceedings as were had in accordance with departmental instructions of December 13, 1904, is herewith transmitted.

The Commission is of the opinion that the testimony of the witness, Thomas Sandwith Ashley, is not worthy of serious consideration by the Department. Ashley is a man of advanced age and almost childish in his actions. His testimony is incoherent and in many instances contradictory; nor do the personal statements made by him on January 24, 1905, bear out the allegations contained in his affidavit filed with the Department by the applicants in

(4)

support of their motion for the taking of the testimony of the witness.

Respectfully,

Chairman.

Commissioner.

Commissioner.

Through the Commissioner
of Indian Affairs.

McM 3/10

J.W.H.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D. 5009, 10317, 10600-1904.
2851, 3785, 4201,
5011, 5635, 5909,
8276, 9103-1905.
1836-1906.

February 26, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department has considered the record in the matter of the application of Icy Ann Ables et al., M.C.R. 4977 et al., for identification as Mississippi Choctaws.

The record in this case, which includes the applications of 47 people, was originally transmitted to the Department by the Commission to the Five Civilized Tribes on May 15, 1903, with its decision of April 29, 1903, adverse to all of the applicants. Further report was rendered by the Commission in the matter March 8, 1905. In its report of Oct. 14, 1904, the Indian Office recommended that the action of the Commission be approved.

All of these applicants were born since the treaty of September 27, 1830, between the Choctaw Nation and the United States. It is therefore incumbent upon them to show their descent from a citizen of the old Choctaw Nation, Mississippi, by or on behalf of whom application was made to Colonel William Ward, Choctaw agent, for the benefits of article 14 of said treaty. Inasmuch

as the record does not disclose that any of the applicants has been enrolled or recognized by the tribal authorities as a citizen of the Choctaw Nation, the burden of proof rests upon them to establish their claims.

From the testimony of the applicants it appears that they rely upon their descent from one William Simmons, who was the father of the principal applicant named above. The testimony submitted consists not only of the testimony given by the applicants and their witnesses at the various hearings, but also includes the testimony submitted by the widow of said William Simmons to establish her claim to a pension by reason of his services as a soldier in the early Indian wars.

To establish the correctness of certain allegations concerning the military history of this William Simmons, his widow, in her deposition, which constitutes a part of the record in this Mississippi Choctaw case, made reference to said pension claim, stating that the certificate number of the same is 5638. Of course, the record in the pension claim of the widow of William Simmons can not be made a part of the record in this Mississippi Choctaw case for certain purposes and not for others. Accordingly, the affidavits and papers upon which the widow's pension was granted have been fully considered.

The records of the Indian Office show that there was a Choctaw Indian Named William Simmons who resided in the valley of the Yazoo River, near the line between Carroll and Holmes

counties, Mississippi, who was the head of a Choctaw family in 1830, and who registered with Colonel Ward for the benefits of article 14 of the treaty of that year.

The theory upon which the applicants base their claims is that their ancestor, William Simmons, was the identical William Simmons mentioned in the records of the Indian Office.

The Department finds the record sufficiently complete to establish the time and place of said ancestor's birth, the time and place of his marriage, the time and place of his enlistment in the army and his discharge therefrom, the places where he subsequently resided, and the time and place of his death. Said record also contains his personal description.

The Department concludes that the complete record is insufficient to overcome the burden of proof which rests upon the applicants and that they have failed to establish their claims, furthermore, that the record as it now stands, as a whole, tends strongly to establish affirmatively that their ancestor, William Simmons, was not a Choctaw Indian or a citizen of the Choctaw Nation, and that he did not comply or attempt to comply with article 14 of the treaty of 1830.

Accordingly, the decision of the Commission to the Five Civilized Tribes of April 29, 1903, adverse to all of the applicants, is hereby affirmed.

Respectfully,

Thos Ryan.

First Assistant Secretary.

M C R 4977

COPY.

Muskogee, Indian Territory, March 14, 1906.

Icy Ann Ables,

Madill, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on February 26, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of April 29, 1903, refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

Respectfully,

SIGNED *Wm. O. Dool.*

Acting Commissioner.

M C R 4977

COPY.

Muskogee, Indian Territory, March 14, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed copy of Departmental letter of February 26, 1906, affirming the decision of the Commission to the Five Civilized Tribes of April 29, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Icy Ann Ables, et al.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

McK 14/12

M C R 4977

COPY.

Muskogee, Indian Territory, March 14, 1906.

George E. Rider,

Madill, Indian Territory.

Dear Sir:

There is herewith enclosed for your information, copy of Departmental letter of February 26, 1906, affirming the decision of the Commission to the Five Civilized Tribes of April 29, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Icy Ann Ables, et al.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

McM 14/11

C O P Y

J.W.H.

DEPARTMENT OF THE INTERIOR, ~~FILE~~.
Washington.

I.T.D. 3505-1906.

April 7, 1906.

L R S

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

You are advised that a motion has been filed with the Department for a review of departmental decision of February 26, 1906, in the Mississippi Chictaw case of Icy Ann Ables, et al.

Respectfully,

(Signed) THOS RYAN

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

J.W.H.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLB

I.T.D. 3505-1906.

May 8, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes ,
Muskogee, Indian Territory.

Sir:

On March 27, 1906, a motion was filed by W.W. Wright for review of departmental decision in the matter of the identification of Icy Ann Ables et al. as Mississippi Choctaws. This motion, which bears the file mark I.T.D. 3505-1906, is inclosed herewith for report and recommendation. See departmental letter of April 7, 1906, relating to the same case.

Respectfully,

Through the Commissioner
of Indian Affairs.

(Signed) Jesse E. Wilson.
Assistant Secretary.

1 inclosure.

Muskogee, Indian Territory, June 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of May 8, 1906 (I T D 3505-1906), transmitted for report and recommendation, a motion filed March 27, 1906, by W. W. Wright, attorney at law, Washington, D. C., for review of Departmental decision in the matter of the identification of Icy Ann Ables, et al. as Mississippi Choctaws.

The Department also invites attention to its letter of April 7, 1906 (I T D 3505-1906), advising this office that a motion had been filed with the Department for a review of Departmental decision of February 26, 1906, in the Mississippi Choctaw case of Icy Ann Ables, et al.

May 19, 1906 (I T D 5519, 5339-1906), the Department transmitted to the Commissioner the affidavit of Icy Ann Ables, the principal applicant in the consolidated Mississippi Choctaw case of Icy Ann Ables, et al., filed with the Department May 16, 1906, in support of the motion for review in said case. This affidavit was forwarded the Commissioner in order that a record of its filing might be made in this office, the same to be returned in connection with such recommendations as this office might make relative to the

(2)

motion for review theretofore filed.

The motion and affidavit referred to are returned herewith after a careful consideration thereof by this office. The motion sets forth no new matter which would tend to establish the rights of the applicants, but is based entirely upon the alleged error of the Department in considering in connection with the record in the consolidated Mississippi Choctaw case of Ioy Ann Ables, et al., certain affidavits and other papers filed with the Pension Office in reference to the claim of Lucretia Simmons, the widow of William Simmons, the alleged common ancestor of the applicants.

The affidavit of Ioy Ann Ables transmitted with Departmental letter of May 19, 1906, is a description of her father, William Simmons, and her knowledge of the birthplace of her father and other incidents connected with his life.

The motion for review and reconsideration of Departmental decision of February 26, 1906, does not, in my opinion, allege any grounds to warrant serious consideration thereof. I do not believe it is material whether the records of the Pension Office relative to the pension claim of Lucretia Simmons were made a part of the record in the Mississippi Choctaw case of Ioy Ann Ables, et al., for aside from such records the applicants have failed to produce any evidence which would entitle them to identification as Mississippi Choctaws.

(3)

I have, therefore, the honor to respectfully recommend that said motion be denied.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

MoM 6/95

MCR-4977

Muskogee, Indian Territory, October 17, 1906.

William V. Wright,
Attorney at Law,
Corcoran Building,
Washington, D. C.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant relative to the Mississippi Choctaw case of Icy Ann Ables et al. You state that on or about April 1st a motion for review of the Secretary's decision adverse to the applicants was filed and forwarded to this office for report and recommendation; that on May 8, 1906, an affidavit of Icy Ann Ables was also forwarded to this office to be considered in connection with said motion, but that inquiry at the offices of the Commissioner of Indian Affairs and the Secretary of the Interior shows that said motion and the papers in support thereof have not yet been returned to the Department. You state that it is important to have a final decision in this case at an early date, and request to be advised at once in regard to the matter.

Replying to your letter you are informed that under date of May 8, 1906, (I.T.O.3505-1906), the Department transmitted

V V V - - - - - (2)

to this office, for report and recommendation, a motion filed by you March 27, 1906, for review or Departmental decision in the matter of the identification of Icy Ann Ables et al. as Mississippi Choctaws.

May 19, 1906, (I.T.O. 5519, 5339-1906), the Department transmitted to the Commissioner an affidavit of Icy Ann Ables, filed with the Department May 16, 1906, in order that a record of its filing might be made in this office and the same to be returned to the Department with the motion for review above referred to.

June 3, 1906, the Commissioner to the Five Civilized Tribes returned to the Secretary of the Interior, through the Commissioner of Indian Affairs, the motion and affidavit in question, together with report and recommendation thereon.

Respectfully,

Commissioner.

COPY

MCR-4977

Muskogee, Indian Territory, January 19, 1907.

W. W. Wright,
Attorney at Law,
Washington Loan & Trust Building,
Washington, D. C.

Dear Sir:-

There is enclosed herewith copy of Departmental letter of January 11, 1907 (I T D 10600-1904,3505,9589,13299, 20752-1906), denying the motion filed by yourself and Chester Howe, March 27, 1906, for review of Departmental decision of February 26, 1906, refusing to identify Icy Ann Ables et al. as Mississippi Choctaws.

Respectfully,

Sam Bixby.

WLM.
Encl. 19/11

Commissioner.

G. R.

DEPARTMENT OF THE INTERIOR, LLB.

WASHINGTON. January 11, 1907.

I.T.D. 10600-1904.
3808-1906.
9589- "
13299- "
20752- "

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 15, 1906 (Land 49084), the Indian Office transmitted your report and recommendation of June 6, 1906, on a motion filed with the Department March 27, 1906, by W. W. Wright and Chester Howe, attorneys at law of Washington, D. C., for review of departmental decision of February 26, 1906 (I.T.D. 10600-1904), refusing to identify Icy Ann Ables et al. as Mississippi Choctaws. You recommend that said motion be denied.

The Department has carefully reviewed said decision in connection with all the evidence contained in the original record, together with the arguments, affidavits and map filed in support of said motion.

The principal applicant, Icy Ann Ables, born in Calhoun County, Alabama, about 1848, is the daughter of Lucinda Simmons, nee Dunn, now an aged resident of the Indian Territory, by one William Simmons, who served as a corporal in the company

of Captain William Stinson of Georgia Mounted Volunteers, in the Creek-Seminole Florida war of 1836. His military record shows that he volunteered for said service at Fayetteville, Ga., for the term of three months and was honorably discharged at Columbus, Ga., July 23, 1836.

Record evidence shows that the said William Simmons married Lucretia Dunn, now Simmons, the mother of principal applicant, Icy Ann Ables, in Calhoun County, Alabama, on June 20, 1838, after his said service in the Creek-Seminole war, and died at the age of 63 at Hokes Bluff, Etowah County, Ala., on May 24, 1872.

Lucretia Simmons, the mother of principal applicant, now draws a pension as his widow for services rendered in the Creek-Seminole war. The testimony in the matter of the application of Lucretia Simmons for pension states that the said William Simmons was born in Warren County, Georgia, was of fair skin, and that neither party to said marriage had ever been previously married other than to each other. Attempt is made to show that the said William Simmons who served as a soldier and was the husband of Lucretia Simmons, nee Dunn, is identical with one William Simmons, an alleged Choctaw Indian, who lived on Fomergushe Creek in the southern part of the Choctaw Nation of Indians in the State of Mississippi, and that he applied in company with one

James Stanley in June or July, 1831, to the agency at Colonel William Ward's to be registered under the 14th article of the treaty of 1830, and that he subsequently received two certificates of land in pursuance of said registration (see volume 7, American State Papers, page 637), and that prior to his marriage to Lucretia Dunn, in Calhoun County, Alabama, he was a former resident of the Yazoo Valley, in Holmes County, Mississippi, and that since his said marriage he had made two trips to Mississippi to claim the benefits of the provisions of article 14 of the treaty of 1830, and that he had in his possession as evidence of his right to be awarded land under article 14, two certain land certificates, one for 40 acres, and one for 80 acres of land.

It is claimed in the enrollment case that he had been formerly married to a woman named Foster, and that he had two children living in 1830. If such were the case, he would have been entitled to claim 640 acres for himself alone without considering the claims of his wife and children, which would increase his award.

As a matter of fact, the evidence in the pension claim shows that he applied for bounty land warrants for his services rendered in the Creek-Seminole war, for 40 acres and 80 acres, respectively. Presumably the land certificates referred to by

the applicants in the enrollment case were the bounty land warrants shown to have been received for his services as a soldier and not as a claimant under article 14 of the treaty of 1830.

In view of the positive declarations of the widow, Lucretia Simmons, the mother of principal applicant, in her application for pension that her husband, William Simmons, had never been previously married, coupled with her contradiction in the enrollment case that he had been previously married to a woman named Foster prior to his marriage to her, the Department is of the opinion that the William Simmons, the soldier and husband of Lucretia Simmons, is not identical with the William Simmons, claimant under article 14 of the treaty of 1830.

Said motion for a review of departmental decision of February 26, 1906, refusing to identify applicants as Mississippi Choctaws, is denied, and you will advise applicants and their attorneys of this action.

All the papers in the case have this day been returned for the files of the Indian Office.

Respectfully,

(Signed) Thom. Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

40 inclosures to Ind. Of.

COPY

MCR-4977

Muskogee, Indian Territory, January 19, 1907.

Icy Ann Ables,
Madill, Indian Territory.

Dear Madam:-

You are hereby notified that on January 11, 1907, the Secretary of the Interior denied a motion, filed March 27, 1906, by W. W. Wright and Chester Howe, attorneys at law, Washington, D. C., for review of Departmental decision of February 26, 1906, refusing to identify Icy Ann Ables et al. as Mississippi Choctaws.

Respectfully,

SIGNED

Tams Bixby.

Commissioner.

COPY

MCR-4977

Muskogee, Indian Territory, January 19, 1907.

Mansfield, McMurray and Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Dear Sirs:-

There is enclosed herewith copy of Departmental letter of January 11, 1907 (I T D 10600-1904,3505,9589,13299, 20752-1906), denying a motion filed by W. W. Wright and Chester Howe, attorneys at law, Washington, D. C., for review of Departmental decision of February 26, 1906, refusing to identify Icy Ann Ables et al. as Mississippi Choctaws.

Respectfully,

SIGNED

Tams Dixby.

WLM.
Encl. 19/10

Commissioner.

COPY

MCR-4977

Muskogee, Indian Territory, January 19, 1907.

Chester Howe,

Attorney at Law,

Washington Loan & Trust Building,

Washington, D. C.

Dear Sir:-

There is enclosed herewith copy of Departmental letter of January 11, 1907 (I T D 10600-1904,3505,9589,13299, 20752-1906), denying the motion filed by yourself and W. W. Wright, March 27, 1906, for review of Departmental decision of February 26, 1906, refusing to identify Icy Ann Ables et al. as Mississippi Choctaws.

Respectfully,

SIGNED

Cams Bixby.

WLM.
Encl. 19/12

Commissioner.

COPY

MCR-4977

Muskogee, Indian Territory, January 19, 1907.

Chief Clerk,

Choctaw Land Office,

Atoka, Indian Territory.

Dear Sir:-

You are hereby notified that on January 11, 1907, the Secretary of the Interior denied a motion, filed March 27, 1906, by W. W. Wright and Chester Howe, attorneys at law, Washington, D. C., for review of Departmental decision of February 26, 1906, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of Icy Ann Ables et al.

The following is a list of the several claimants in said case which is furnished you in order that you may be able to advise any of such parties, in case they request to designate their prospective allotments, that their case is now closed, and it does not appear that any proceedings are pending at the present time in the matter of their applications for identification as Mississippi Choctaws:

Icy Ann Ables,
George Washington Ables,
Leeta Ables,
James Dewey Wright,
William M. Ables,
William Lloyd Ables,

Andrew Jackson Ables, Jr.,
Leonard Ables,
Lula Wright,
Mary Musett Wright,
Jesse B. Ables,
Lillian Ables,

Chectaw L. O. - - - (2)

Bertha Ables,
Mary J. Warrock,
Lula Jewell Warrock,
Sarah Ann Helt,
Opal May Helt,
John Thomas Ables,
Arthur Ables,
Lula Jewel Ables,
Joseph Edward Ables,
John Lewis Ables,
Auther May Carnes,
Valeria M. Carnes,
Joseph Ernest Carnes,
Wiley Carnes,
Josie B. Glenn,
Hessie M. Glenn,
Edith E. Glenn,

William Monroe Ables,
Vera Ann Warrock,
S. Gouldy Warrock,
Walter Andrew Helt,
J. C. Helt,
Auther Ables,
Annie Ables,
James A. Ables,
Robert Ables,
Ellen Carnes,
Ida Belle Carnes,
William Edward Carnes,
Luellen Carnes,
Dovie Carnes,
Lee G. Glenn,
Josie B. Glenn (2),
William Lewis Glenn.

Respectfully,

SIGNED

Tams Bixby.

Commissioner.

COPY

Muskogee, Indian Territory, March 4, 1907.

The Honorable,

The Secretary of the Interior,

Sir:-

I have the honor to transmit herewith, for your consideration, a motion for review of Departmental decision of January 11, 1907, in the Mississippi Choctaw case of Ioy Ann Ables, et al., M C R 4977, which was today filed in this office by W. W. Wright and Chester Howe, attorneys at law, Washington, D. C., same showing service of a copy thereof on the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

SIGNED *Garrett*

Through the Commissioner
of Indian Affairs.

Commissioner.

WLM.
Encl. 4/1

MOR-4977

Muskogee, Indian Territory, March 4, 1907.

W. W. Wright,

Attorney at Law,

Washington Loan & Trust Building,

Washington, D. C.

Dear Sir:-

Receipt is hereby acknowledged of your letter, dated February 28, 1907, enclosing a motion for review of Departmental decision in the Mississippi Choctaw case of Icy Ann Ables, et al., M C R 4977.

You are further advised that said motion has this day been forwarded to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner.

No. 1011

For Identification as a Mississippi Choctaw.

Date

Name *Icy Ann Ables.*

Age *54* — Blood *~~1/2~~ 1/4*

Post Office, *Madell, D. T.*

Father: *William Simmons, d*

Mother: *Lucretia " l*

Claims through *father,*
Husband,
Andrew J. Ables l. w.

No claim for
husband -

Children:

<i>Andrew J. Ables, Jr.</i>	<i>18</i>
<i>George W. "</i>	<i>16</i>
<i>Leonard " }</i>	<i>"</i>
<i>Leota " }</i>	<i>"</i>

Stannis

Claims for self
and children

Stenographer *G. Rosemonire*

Choctaw MCR 4978

Ellen Carnes

See MCR 4977

MCR 4978

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 20, 1902.

4978

In the matter of the application for identification as Mississippi Choctaws of Ellen Carnes for herself and her eight minor children, Auther May, Ida Belle, Valeria N., William Edward, Joseph Ernest, Luellen, Wiley and Devie Carnes.

Attorney G. E. Rider appears for applicants.

Ellen Carnes being first duly sworn testified as follows:

Examination By the Commission.

- Q What is your name? A Ellen Carnes.
Q What is your age? A I am thirty-four,---forty-four I should have said.
Q What is your post office address? A Madill,
Q Indian Territory? A Yes, sir.
Q How long have you lived at Madill? A About nine months.
Q Where did you live before that? A In Texas.
Q Where were you born? A In Alabama.
Q Where in Alabama? A In the Northern part.
Q What place? A Calhoun County.
Q You went from Alabama at what age? A I was fourteen years old.
Q You went from Alabama to where? A To Arkansas.
Q What place? A Lee County.
Q How long did you live in Arkansas? A Four years.
Q Then you went where? A Texas.
Q And lived there how long? A I lived in Texas about,---I reckon about twenty five or four years.
Q Then you went where? A To Madill.
Q And have been there how long? A Nine months.
Q What is your father's name? A William Simmons.
Q Is he dead? A Yes, sir.
Q Is your mother dead? A No, sir.
Q What is her name? A Lucretia Simmons.
Q Through which parent do you claim Choctaw blood? A Through my father.
Q How much Choctaw blood do you claim? A One-quarter.
Q How much Choctaw blood did your father have? A I reckon he was a half breed.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Are you married? A Yes, sir.
Q Your husband is living? A No, sir.
Q Was he a Choctaw Indian or white man? A He was a white man.
Q What was his name? A His name was Pryor Carnes.
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A Yes; all my children is underage.
Q All unmarried? A Yes, sir.
Q How many are there? A Right I think.

#2

Q Do you know when and where your father and mother were married?
A No, sir.

Q Do you know whether they were married by a minister and under a license? A No, sir.

Q You think you can prove that marriage if given time? A

By attorney; we want time for that purpose.

A reasonable time is granted.

Q Give me the name of your oldest child? A Auther May.

Q How do you spell it? A A-u-t-h-e-r

Q Is that a girl? A No, sir.

Q How old is he? A He is eighteen.

Q Years? A Yes, sir.

Q What is the name of the next? A Ida Belle.

Q How old is Ida Belle? A She is fourteen.

Q Next? A Valeria M.

Q How do you spell Valeria, V-a-l-e-r-i-a? A Yes, sir.

Q How old is Valeria? A She is twelve.

Q The next? A William Edward.

Q How old? A He is eleven.

Q The next? A Joseph Ernest

Q How old is Joseph? A He is nine years old.

Q The next? A Lucien.

Q How old is Lucien? A Seven years old.

Q Any others? A Wiley.

Q W-i-l-e-y? A Yes, sir.

Q Boy? A Yes, sir.

Q How old is Wiley? A Six.

Q Next? A Devie.

Q How old is Devie? A She is three.

Q Is that all? A Yes, sir.

Q You claim for yourself and these children? A Yes, sir.

Q They are all living with you at home are they? A Yes, sir.

Q Is William D. Carnes the father of these children? A Yes, sir.

Q Were either of you married before you married each other? A

No, sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A

No, sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for yourself and children under the act of Congress of June 10, 1896? A

No, sir.

Q Is the name of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation with your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.

Q Do you now come before the Commission to identify yourself and your minor children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.

Q You claim under that article? A Yes, sir.

Q Do you understand that article of that treaty? A No, sir.

Q You have heard it read and explained? A Yes, sir.

Q You think you understand it or would you like to have it explained further; just as you wish you know? A I don't know whether I

understand it or not.

- Q You know what a treaty is do you not? A Yes, sir.
 Q You know what an article in a treaty is; it is one of the parts of it; one of the subdivisions of it? A Yes, sir.
 Q You know what a verse in the Bible is? A Yes, sir.
 Q It is one of the parts of a chapter and an article in a treaty is just the same as a verse in the Bible; it is one of the parts of the treaty? A Yes, sir.

Now the treaty of 1830 was made between the United States government and the Choctaw Indians on the 27th day of September, 1830, at a place called Dancing Rabbit Creek in Mississippi and that treaty was made for the especial purpose of moving all of the Choctaw Indians from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation West of the Mississippi River, in Indian Territory. The reason why that treaty was made at that time was to move all of the Choctaw Indians and yet before the treaty was finally signed on the 27th day of September, 1830, it was discovered that there were a good many Choctaw Indians who would not go to the Choctaw Nation Indian Territory. They refused to go. Some provision had to be made for these Indians in some way, otherwise the treaty of 1830 never have been signed by the Choctaw Nation; that provision was made for them in article fourteen of that treaty and called article fourteen of the treaty of 1830 and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article, do you know? A No, sir.
 Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A William Simmons.
 Q Do you know whether any of your ancestors complied or attempted to comply with that article of that treaty; do you know? A No, sir; I don't know.
 Q You don't undertake to say that they did or did not; you just merely say that you do not know? A I don't know.
 Q What relation was William Simmons to you? A My father.
 Q How much Choctaw blood did he have? A He was claimed to be a half breed/.
 Q Did he live in Mississippi in 1830 and have a family there then? A Well I don't know whether he did or not; I heard it talked in the family.

#4

- Q What was your mother's name? A Lucretia Simmons.
- Q Was she William Simmons' first or second wife? A The last wife.
- Q Second wife? A Yes, sir.
- Q And that is your mother? A Yes, sir.
- Q Did she live in Mississippi in 1830, do you know? A I don't know.
- Q Do you know whether William Simmons' first wife lived with him as man and wife in Mississippi in 1830? A I don't know.
- Q Did your mother Lucretia live as the wife of William Simmons in 1830? A I could not say.
- Q How old would William Simmons be if he were living now? A About ninety-eight.
- Q Do you know when and where he was born? A No, sir.
- Q Where did he die? A In Alabama.
- Q You know what date? A No, sir.
- Q Was he married to your mother by a minister and under a license or according to the Choctaw custom? A I don't know.
- Q Were they married in Mississippi or where were they married? A I could not say.
- Q When was the last time you saw William Simmons your father? A
- Q Well the last time I saw him when they carried him to bury him.
- Q When was that? A 1874 I believe---seventy-two.
- Q You know how old he was at the time of his death? A No, sir.
- Q Where was this? A In Alabama.
- Q You remember what place in Alabama? A No, sir.
- Q Tell me how he looked; did he look like an Indian or like a white man? A I don't remember.
- Q How old were you at that time? A I was about eleven years old I guess.
- Q You can't remember how he did look? A No, sir.
- Q Whether he had dark hair or light or whether he had black eyes or blueneyes? A No, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi take land there and become citizens of the United States? A Not that I know of.
- Q You don't know whether William Simmons did that? A No, sir; I only heard it talked in the family.
- Q Who did you ever hear in the family say that your father William Simmons went to Colonel Ward and told him that he wanted to stay in Mississippi, take land there and become a citizen of the United States? A I heard my mother say that.
- Q You never heard your father say so? A No, sir; I don't remember that I did.
- Q What did you ever hear your mother say about it, if you can recollect; state all that you can remember? A Well I----
- Q Anything that you do recollect, just state it? A I don't remember that I heard her say anything only just hear her talking about him going to Mississippi and back and what he had told her.
- Q Do you remember what that was? A No, sir.
- Q You can't recollect anything of the conversation now? A No, sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of

eighteen hundred and thirty? A No, sir; I don't know that they did; I heard my mother say that my father had land certificates that he made in Mississippi but she said that he never got the land.

Q He never got any land so far as you know? A No, sir.

Q Did you ever hear why he did not get any there? A No, sir.

Q Did he claim any land in Mississippi or Alabama or receive any under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No, sir; I don't know that he did.

Q Did he ever claim any benefit as a Choctaw Indian under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I don't know.

Q Did he or did any of your Choctaw ancestors go before either the Commission of 1837 which was appointed by an act of Congress approved March 3rd of that year or the Commission appointed in 1842 by an act of Congress approved August 23rd of that year and claim benefits as Choctaw Indians or as a Choctaw Indian under article fourteen of the treaty of 1830? A I don't remember.

These Commissions were appointed to hear Choctaw Indian claimants who claimed that they had gone to Colonel Ward within six months after the ratification of the treaty of 1830 and had told him that they wanted to stay in Mississippi take land there and become citizens of the United States and had done so within the time limited in article fourteen but that Colonel Ward had failed to register their names as he should have done and because he failed to do so their land had been taken from them and the government and sold at public land sales.

Q You never heard that any of your Choctaw ancestors went before either of them? A No, sir.

The act of Congress approved August 23rd 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830 and had complied with its provisions; if it also further appeared that he had had his land taken away from him by the government that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the government? A I don't know.

Q What relation is Icy Ann Ables to you? A Sister.

Q John T. Ables is her son? A Yes, sir.

Q Your nephew? A Yes, sir.

Q You want to have their case and your case considered together? A Yes, sir.

Q And also other relatives who may hereafter come? A Yes, sir.

Q Have you any other evidence or proof that you want to introduce in support of your claim? A No, sir.

Q You care for any time? A

By attorney; We would like to have the same time as in the other cases in order to introduce some evidence.

A reasonable time is allowed.

By attorney Rider.

We desire to offer in evidence page 637, American State Papers, affidavit number 11, we offer the entire affidavit; also, we wish to show that the names of Daniel Harris and Reuben Harris appear upon the index of the above American State Papers.

- Q Did you ever hear your mother was, or did you get the information from any other source, the name of your father's first wife?
A No, sir.
- Q Do you know whether your father and mother were related in any way whatever? A No, sir; I don't know.

Examination by the Commission.

- Q You heard the record quoted by your attorney, page 637 of volume 7, American State Papers, in regard to William Simmons, did you not? A Yes, sir.
- Q How do you know it is your father? A Well I don't know; I don't know whether it was him or not.
- Q You yourself don't know anything about it? A No, sir.
- Q Do you speak the Choctaw language? A No, sir.

Examination by attorney Rider.

- Q Do you know whether your father talked the Indian language? A Yes, sir.
- Q Do you know whether he talked more than one Indian language? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has blue eyes; medium fair complexion; dark brown hair. She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 20, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 12th day of April 1902.

Wm. Mitchell Wood
Notary Public.

COPY.

M.C.R. 4978

Muskegee, Indian Territory, April 29, 1903.

Ellen Carnes,

Madill, Indian Territory.

Dear Madam:

You are hereby advised that on the 29th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Icy Ann Ables, et al., embracing the following applications for identification as Mississippi Choctaws:

Icy Ann Ables, et al.,	M.C.R. 4977
Lula Wright, et al.,	M.C.R. 5060
William M. Ables, et al.,	M.C.R. 4980
Mary J. Warrook, et al.,	M.C.R. 4981
Sarah Ann Holt, et al.,	M.C.R. 4982
John Thomas Ables, et al.,	M.C.R. 4978
James A. Ables,	M.C.R. 4983
Joseph Edward Ables,	M.C.R. 4993
Robert Ables, et al.,	M.C.R. 4994
Ellen Carnes, et al.,	M.C.R. 4978
Josie B. Glenn, et al.,	M.C.R. 4979

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior".

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Icy Ann Ables, Andrew Jackson Ables, Jr., George Washington Ables, Leonard Ables, Leota Ables, Lula Wright, James Dewey Wright, Mary Musett Wright, William M. Ables, Jesse B. Ables, William Lloyd Ables, Lillian Ables, Bertha Ables, William Monroe Ables, Mary J. Warrock, Willie May Warrock, Vera Ann Warrock, Lula Jewell Warrock, S. Gouldy Warrock, Sarah Ann Holt, Walter Andrew Holt, Opal May Holt, J. C. Holt, John Thomas Ables, Luther Ables, Arthur Ables, Annie Ables, Lula Jewel Ables, James A. Ables, Joseph Edward Ables, Robert Ables, John Lewis Ables, Ellen Carnes, Auther May Carnes, Ida Belle Carnes, Valeria N. Carnes, William Edward Carnes, Joseph Ernest Carnes, Luellen Carnes, Wiley Carnes, Dovie Carnes, Josie B. Glenn, Lee G. Glenn, Hattie M. Glenn, Josie B. Glenn (2), Edith E. Glenn and William Lewis Glenn, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

~~THOMAS~~ *Thame Bixby.*

Chairman.

Registered.

M C R 4978

Muskogee, Indian Territory, January 6, 1905.

Ellen Carnes,

Madill, Indian Territory.

Dear Madam:

You are hereby notified that in accordance with instructions contained in a letter from the Secretary of the Interior, under date of December 30, 1904, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Friday, January 20, 1905, at nine o'clock A. M., hear the testimony of Thomas Sandwith Ashley, of Madill, Indian Territory, whose testimony your attorneys have heretofore petitioned the Secretary to receive in support of the consolidated Mississippi Choctaw case of Icy Ann Ables, et al.

Respectfully,

Chairman.

Registered.

M C R 4978Z

COPY

Muskogee, Indian Territory, March 14, 1906.

Ellen Carnes,

Madill, Indian Territory.

Madam:

You are hereby notified that the Secretary of the Interior, on February 26, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of April 29, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Icy Ann Ables, et al., of which the application for the identification of yourself and minor children is a part.

Respectfully,

SIGNED *W. C. McCall*
Acting Commissioner.

COPY

MUR-4978

Muskogee, Indian Territory, January 19, 1907.

Ellen Carnes,
Madill, Indian Territory.

Dear Madam:-

You are hereby notified that on January 11, 1907, the Secretary of the Interior denied a motion, filed March 27, 1906, by W. W. Wright and Chester Howe, attorneys at law, Washington, D. C., for review of Departmental decision of February 26, 1906, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of Icy Ann Ables et al., of which the application for the identification of yourself and children is a part.

Respectfully,

SIGNED

Tams S. S. S.

Commissioner.

Received of the Commission to the Five Civilized
Tribes one copy of the testimony of Ellen Carnes in the matter of
her application for the identification of herself and her minor
children as Mississippi Choctaws, M.C. 4978.

Geo. C. Rider

Dated at Wadill, Ind. T.,
this May 8, 1902.

Copy of this testimony sent to Mansfield, McMurray & Cornish on
January 12, 1905.

For Identification as a Mississippi Choctaw.

Date

Nov 11 1907

Name Ellen Barnes.

Age 44, Blood "4

Post Office, Madill, I.T.

Father: William Simmons, d "12

Mother: Lucretia " l

Claims through father —
Husband

William P. Barnes, d. w.

Children:	Antler May Barnes	"	18
	Ida Belle	"	14
	Valeria N. (F.)	"	12
	William Edward	"	11
	Joseph Ernest	"	9
	Luellen	"	7
	Wiley	"	6
	Brookie —	"	3

Claims for self
and children

Stenographer G. Rosenwirthel

Choctaw MCR 4979

Josie B. Glenn

See MCR 4977

MCR 4979

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 20, 1902.

4979

In the matter of the application for identification as Mississippi Choctaws of Josie B. Glenn for herself and her five minor children, Lee G., Hessie M., Jessie B., Edith B., and William Lewis Glenn.

• G. L. Rider, attorney appearing for applicants.

Josie B. Glenn being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Josie B. Glenn.
Q What is your age? A Forty-one.
Q What is your post office address? A Madill, Indian Territory.
Q Where were you born? A In Alabama.
Q How long did you live in Alabama? A Nine years.
Q And you went from there to where? A Arkansas.
Q Lived in Arkansas how long? A Four years.
Q From Arkansas you went where? A Texas.
Q And lived where in Texas? A I lived in different parts of Texas.
Q Lived how long in Texas? A About twenty-four or five years.
Q Up until what year? A Nineteen hundred.
Q Then where did you go? A Came to the Indian Territory.
Q How long did you live in Indian Territory? A Little over two years.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father's name? A William Simmons.
Q What was your mother's name? A Lucretia Simmons.
Q Where is Lucretia living now? A At Madill, Indian Territory.
Q How old is she? A I don't know exactly how old she is.
Q About how old? A Somewhere close to ninety.
Q You claim through which parent? A Through my father.
Q How much Choctaw blood do you claim? A One-quarter.
Q How much Choctaw blood did William Simmons your father have? A He claimed one-half.
Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Can you tell when and where your father and mother were married? No, sir.
Q Have you proof of their marriage with you? A No, sir.
Q You think you can introduce that later? A Yes, sir.

Attorney; we ask for a reasonable time.

A reasonable time will be allowed for that purpose.

#2

- Q Is your husband living? A Yes, sir.
Q What is his name? A Francis M. Glenn.
Q Is he a Choctaw Indian or white man? A White man.
Q Make no claim for him? A No, sir.
Q What is the name of your oldest child? A Lee G. Glenn.
Q How old is he? A Twenty.
Q The next? A HESSIE M. Glenn.
Q H-e-s-s-i-e? A No, answer.
Q How old is HESSIE? A Fourteen.
Q The next? A Josie B.
Q How old eleven.
Q Next? A Edith E.
Q E-d-i-t-h? A Yes, sir.
Q How old is she? A Seven.
Q The next? A William Lewis Glenn.
Q How old? A Four.
Q You claim for yourself and these children do you? A Yes, sir.
Q Is Francis M. Glenn the father of these children? A Yes, sir.
Q You are the mother? A Yes, sir.
Q They live with you at your home? A Yes, sir.
Q Were either of you married before you married each other? A No, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
Q Do you understand that article fourteen of that treaty? A I don't thoroughly understand it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th of September of that year, 1830, and the object of that treaty was to removal of the Choctaw Indians who lived in the old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty of 1830 became ratified it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory and in order to protect the interest of these Indians who elected to remain back in the old Choctaw Nation article fourteen was put into the treaty; that article reads as follows;

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years

of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A William Simmons.
- Q How much Choctaw blood did he have? A He claimed one-half.
- Q You claim how much? A One-quarter.
- Q When was the last time you saw him alive? A On the 23rd day of May 1872.
- Q You were how old then? A Nine years old.
- Q What did he ever say in your presence about his having Choctaw blood? A I don't have any remembrance of anything of the sort.
- Q Can you tell anything about his personal appearance? A No, sir.
- Q Whether he had dark eyes or how he looked? A I don't know.
- Q Your mother's name is what? A Lucretia Simmons.
- Q Was she William Simmons' second wife? A Yes, sir.
- Q Do you know anything about his first wife? A No, sir.
- Q Know what her name was? A Only what I have been told.
- Q Did he live in Mississippi in 1830 and have a family there then? A I don't know.
- Q Did he ever live in Mississippi? A My mother said he had.
- Q Your mother told you so? A Yes, sir.
- Q Did he speak Choctaw? A Yes, sir.
- Q Did you ever hear him? A No, sir.
- Q You just have been told that? A Just by the older ones in the family.
- Q Did he have a Choctaw Indian name? A I don't know.
- Q Or is that all the name he had, William Simmons? A That is all I ever knew him by.
- Q About how old would he be if living now? A About ninety-eight or a hundred.
- Q Your mother is how old at the present time? A Nearly ninety as far as I know.
- Q How many years did she live in Mississippi? A She did not live there at all that I know of.
- Q Where did your father marry her? A In Alabama.
- Q You know where in Alabama? A No, sir.
- Q Don't know whether in the old Choctaw Nation or not? A No, sir; I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did you ever hear that any of your Choctaw ancestors left that Choctaw Nation in Mississippi and Alabama for the Choctaw Nation Indian Territory between 1833 and 1838? A No, sir.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830 or under any other article of the treaty than article fourteen

- or under the supplement of that treaty? A "I don't know.
- Q Did any of your Choctaw ancestors claim any benefits under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I don't know.

The Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His failure to do so caused a good many Indians who had land in Mississippi, upon which they had improvements to lose both the land and the improvements. Both were taken from them by the government and sold. This caused so many complaints among the Indians that, in 1837, by act of Congress approved March 3rd of that year, Congress appointed a Commission, which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act approved August 23rd of that year, another Commission was appointed for the same purpose by Congress.

- Q Did any of your ancestors go before either of these two Commissions and claim benefits under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors receive any benefits by the issuing of maps to them, which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had formerly had in Mississippi and which the government had taken from them and sold? A I don't know.
- Q Have you any documentary evidence that you want to introduce in support of this case? A No, sir.

By Attorney Rider.

We ask for time in which to introduce the deposition of Mrs. Lucretia Simmons and Andrew J. Ables.

By the Commission.

A reasonable time will be allowed this applicant in which to offer further proof in support of this claim if she desires if introduced under the rules of this Commission.

- Q What relation is John T. Ables to you? A Nephew.
- Q Icy Ann Ables? A Sister.
- Q Ellen Carnes? A Sister.
- Q Would you like to have their testimony considered with yours? A Yes.
- Q Also other applicants who hereafter will claim through William Simmons? A Yes, sir.
- Q Do you speak or understand the Choctaw language? A No, sir.

By attorney Rider.

I want to introduce in evidence affidavit number 11, page 637, American State Papers.

#5

By the Commission.

Q That has reference to William Simmons being a beneficiary under article fourteen of the treaty of 1830?

By attorney.

Yes, sir.

By the Commission

Q Mrs. Glenn, what do you know about William Simmons whose name appears on page 637, American State Papers, being your father? A I don't know.

Q You have no knowledge of it? A No, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 20, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

G. Rosenwinkel

subscribed and sworn to before me this 12th day of April 1902.

Edmund H. Wood

Notary Public.

Muskogee, Indian Territory, January 15, 1903.

F. M. Glenn,

Madill, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th inst., in which you ask to be advised of the present status of the case of your wife.

In reply to your letter you are informed that it appears from the records of the Commission that your wife, Josie B. Glenn, is an applicant for the identification of herself and minor children as Mississippi Choctaws. The Commission has not, up to the present time, reached any opinion or decision relative to their rights for such identification but is now considering the application and it is probable a decision will be rendered in the near future. She will be duly notified of the action of the Commission and of the forwarding of the records to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, April 29, 1903.

Josie B. Glenn,

Madill, Indian Territory.

Dear Madam:

You are hereby advised that on the 29th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Icy Ann Ables, et al., embracing the following applications for identification as Mississippi Choctaws:

Icy Ann Ables, et al.,	M.C.R. 4977
Lula Wright, et al.,	M.C.R. 5060
William M. Ables, et al.,	M.C.R. 4980
Mary J. Warrock, et al.,	M.C.R. 4981
Sarah Ann Holt, et al.,	M.C.R. 4982
John Thomas Ables, et al.,	M.C.R. 4976
James A. Ables,	M.C.R. 4983
Joseph Edward Ables,	M.C.R. 4993
Robert Ables, et al.,	M.C.R. 4994
Ellen Barnes, et al.,	M.C.R. 4978
Josie B. Glenn, et al.,	M.C.R. 4979

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows :

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ioy Ann Ables, Andrew Jackson Ables, Jr., George Washington Ables, Leonard Ables, Leota Ables, Lula Wright, James Dewey Wright, Mary Musett Wright, William M. Ables, Jesse B. Ables, William Lloyd Ables, Lillian Ables, Martha Ables, William Monroe Ables, Mary J. Warrock, Willie May Warrock, Vera Ann Warrock, Lula Jewell Warrock, S. Gouldy Warrock, Sarah Ann Holt, Walter Andrew Holt, Opal May Holt, J. C. Holt, John Thomas Ables, Luther Ables, Arthur Ables, Annie Ables, Lula Jewel Ables, James A. Ables, Joseph Edward Ables, Robert Ables, John Lewis Ables, Ellen Carnes, Auther May Carnes, Ida Belle Carnes, Valeria H. Carnes, William Edward Carnes, Joseph Ernest Carnes, Luellen Carnes, Wiley Carnes, Dovie Carnes, Josie B. Glenn, Lee G. Glenn, Hattie M. Glenn, Josie B. Glenn (2), Edith E. Glenn and William Lewis Glenn, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby
Chairman.

Registered.

M C R 4979

Muskogee, Indian Territory, January 6, 1905.

Josie B. Glenn,

Madill, Indian Territory.

Dear Madam:

You are hereby notified that in accordance with instructions contained in a letter from the Secretary of the Interior, under date of December 30, 1904, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Friday, January 20, 1905, at nine o'clock A. M., hear the testimony of Thomas Sandwith Ashley, of Madill, Indian Territory, whose testimony your attorneys have heretofore petitioned the Secretary of the Interior to receive in support of the consolidated Mississippi Choctaw case of Icy Ann Ables, et al.

Respectfully,

Registered

Chairman.

Muskogee, Indian Territory, November 11, 1905.

J. B. Glenn,

Enterprise, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of October 16, 1905, by reference from the Secretary of the Interior. You enclose a letter from Hon. Green McCurtain and certain other papers relative to your right to enrollment as a citizen of the Choctaw Nation.

It appears from the records of this office that you are an applicant in the consolidated Mississippi Choctaw case of Icy Ann Ables, et al., in which case a decision adverse to the applicants was rendered by the Commission to the Five Civilized Tribes on April 29, 1903.

The record in the consolidated Mississippi Choctaw case of Icy Ann Ables, et al., together with the decision above referred to, was forwarded to the Secretary of the Interior May 15, 1903, and this office has not up to the present been advised of any final action thereon by the Department.

The papers enclosed with your letter are herewith returned.

Respectfully,

McM 11/7

Commissioner.

M C R 4979

COPY.

Muskogee, Indian Territory, March 14, 1906.

Josie B. Glenn,

Madill, Indian Territory.

Madam:

You are hereby notified that the Secretary of the Interior, on February 26, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of April 29, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Ioy Ann Ables, et al., of which the application for the identification of yourself and minor children is a part.

Respectfully,

SIGNED *Wm. O. Dool.*

Acting Commissioner.

1197
111111

REFER IN REPLY TO THE FOLLOWING:

MCR-4979

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 19, 1907.

Josie B. Glenn,
Madill, Indian Territory.

Dear Madam:-

You are hereby notified that on January 11, 1907, the Secretary of the Interior denied a motion, filed March 27, 1906, by W. W. Wright and Chester Howe, attorneys at law, Washington, D. C., for review of Departmental decision of February 26, 1906, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of Icy Ann Ables et al., of which the application for the identification of yourself and children is a part.

Respectfully,



Commissioner.

Received of the Commission to the Five Civilized
Tribes one copy of the testimony of Josie B. Glenn in the matter of
her application for the identification of herself and her minor
children as Mississippi Choctaws, M.C. 4979.

Geo. E. Rider

Dated at Padilla, Ind. T.,
this May 8, 1902.

Copy of this letter. 11/10/1901, 11/10/1901, 11/10/1901
2 Nov. 11, 1901.

EXOCES
FEB 10 1907
7 M

IND. T. D. C.
FEB 10 1907
MAR 10 1907

SCOTT
FEB 10 1907

EXOCES
FEB 10 1907

APR 10 1907
FEB 10 1907

DEPARTMENT OF JUSTICE
Commissioner to the

U. S. L.

FEB 12 1907

Handwritten signature

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Josie B. Glenn,

Madill, Indian Territory.

via Mexico

MAR 01 1902

Name Josie B. Glenn

Age ⁰41- Blood ¹¹⁴

Post Office, Madril, D. T., -

Father: William Simmons, d

Mother: *Lucretia* " - *l*

Claims through father —

Francis M. Glenn, l.w.

No claim for husband

Children: Lee G. Glenn. 20

Hessie M. " 14

Jasie B " "

Edith E " 7

William Lewis .. 4

blame for self &
children

Stenographer *G. Rosenmiller*

Choctaw MCR 4980

William M. Ables

See MCR 4977

MCR 4980

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 20, 1902.

4980

In the matter of the application for identification as Mississippi Choctaws of William M. Ables for himself and his five minor children Jesse B., William Lloyd, Lillian, Bertha and William Monroe Ables.

G. E. Rider attorney appearing for applicants.

William M. Ables being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A William M. Ables.
Q What is your age? A My age is thirty-five.
Q What is your post office address? A I have two; I get mail at two post offices; one at Madill and the other in Texas.
Q Do you live at Madill? A No, sir; I reside in Texas now.
Q Where was you born? A In Alabama.
Q Where in Alabama? A Etowah County.
Q When? A In 1867.
Q You went from there where? A From there to Texas.
Q How long did you live in Texas? A I have lived in Texas ever since.
Q How did you happen to have Madill as your post office? A I came out here last Winter with the intention of making that my home but I had some business connections in Texas that I had not got straightened out and had to return but I intend shortly to live in Madill.
Q But you are now living in Texas? A Yes, sir.
Q And have, how long? A I reckon about twenty-six years.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A A. J. Ables,--Andrew Jackson.
Q What is your mother's name? A Icy Ann.
Q I-o-y? A ---
Q Has she appeared to be identified as a Mississippi Choctaw on this date March 20th? A Yes, sir.
Q You claim through your mother? A Yes, sir.
Q How much Choctaw blood do you claim? A Well from what I have heard I claim about one-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory?
A No, sir; I don't think she has.
Q What is your wife's name? A Louie, L-o-u-i-s Ables.
Q How old is she? A She is thirty-three.
Q Living? A Yes, sir.
Q Is she a white woman or a Choctaw Indian? A Yes, sir; she is a white woman.
Q You make no claim for her then? A No, sir.
Q How many children have you? A Five.
Q All underage and unmarried? A Yes, sir.

- Q What is the name of the oldest? A Jesse B.
 Q Boy? A Yes, sir.
 Q How old is he? A Fifteen.
 Q Next? A William Lloyd.
 Q L-l-o-y-d? A Yes; we call him Lloyd.
 Q How old is he? A Eleven.
 Q What is the name of the next? A Lillian, she is eight.
 Q Next? A Bertha, she is five.
 Q Next? A William Monroe.
 Q How old is he? A About one year old.
 Q Is Louie Ables the mother of these children? A Yes, sir.
 Q You claim for yourself and them? A Yes, sir.
 Q These children are all living with you and your wife? A Yes, sir.
 Q Was she ever married before she married you? A No, sir.
 Q Or you before you married her? A No, sir; may I ask a question there?
 Q Yes? A Will it be necessary for a marriage certificate to prove that her and me was married?
 Q Yes; have you that with you? A No, sir; but I can get it.
- I reasonable time is allowed you.
- Q Can you tell when and where you were married to her? A Yes, sir.
 Q Give the date please? A July 4, 1885.
 Q At what place? A At South Bosque, Texas.
 Q By a minister and under a license? A Yes, sir.
 Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your children to the Choctaw tribal authorities in Indian Territory? A No, sir; I have not.
 Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
 Q Have you ever been admitted, with your children, to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir; I have not.
 Q Do you now come before the Commission to identify yourself and your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830, A Yes, sir.
 Q Do you understand that article of that treaty? A I think so.
 Q You want to have a further explanation of it? A Yes, I should not object.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September 1830 and was made for the especial purpose of removing the Choctaw Indians who lived in the old Choctaw Nation from that old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory and so, in order to protect the interest of these Indians who stayed back there in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. The treaty was then signed and afterwards on the 24th of February 1831 ratified. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q A I want to ask about the explanation; if they ever removed from that land were they to lose part of the annuity?
- Q Well that annuity was given to those who originally removed under the treaty of 1830; they agreed to go to the Choctaw Nation under the treaty and if they did go the government would give them so much money per head for a number of years. That was to help them along until they got started in the New Country; to buy seed, clothes, implements, etc., anything to help them as a new Nation in a new Country. Those Indians who afterwards elected to remove having been back there in the old Choctaw Nation a number of years and perhaps had received lands would not be entitled to the annuity money. That is all it means; it is supposed that whatever they received in Mississippi was compensation enough without the money.-- Did any of your Choctaw ancestors receive any benefits as Choctaw Indians under article fourteen or comply with its provisions; do you know? A You mean the direct descendants of William Simmons.
- Q I mean whoever you claim through? A Not that I know of.
- Q Do you claim through William Simmons? A Yes, sir.
- Q What relation was he to you? A My grandfather.
- Q How much Choctaw blood did he have? A I could not tell you; I only have it as family history; handed down through the family.
- Q What have you heard? A I heard that he was half.
- Q Did he live in Mississippi in 1830? A I could not say; I have heard that he did.
- Q What is the name of his wife; your grandmother? A Lucretia Simmons.
- Q Is she living now? A Yes, sir.
- Q Where? Madill, Indian Territory.
- Q Did he live in Mississippi in 1830 and have a family there then? I have heard that he did.
- Q How old would he be if living now? A Right at a hundred years old; there is none of us that knows his age exactly.
- Q How old is your grandmother now? A Right at ninety; she don't know her age; she has forgotten it. It is anywhere from ninety to ninety-four.
- Q What evidence have you that he lived in Mississippi in 1830 and was a recognized Choctaw Indian there then? A No evidence except that it has been taught in the family; that is all.
- Q You claim through which parent father or mother? A My mother.
- Q Her name is what? A Icy Ann Ables.
- Q She is how old now? A Well I could not tell you, about,--I think about fifty-four.

- Q She has appeared before the Commission to-day has she not? A Yes, sir.
- Q Did you know, yourself, William Simmons? A Yes; I saw him but I was very small.
- Q You don't remember very much about him? A No, sir; I have a faint outline of him.
- Q You must have been very small boy then; you remember where he died and when? A I remember where but I don't remember the date
- Q Where did he die? A In Alabama.
- Q Do you remember anything about his personal appearance? A Well I have this in my mind that he seemed to be medium tall and he was very straight; had dark hair and very keen eyes and dark eyes.
- Q Was he not gray when you knew him? A Yes, he was gray. I am giving this as well as I remember it. You understand that a boy of my age could not give a definite answer to that question.
- Q You think he died in 1872? A Yes, that is what they say.
- Q In 1872 you would have been seven years old, so that you would not know much about it? A I think I have formed what I know more from hearing them talk than anything else.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A Well I don't know definitely only what I have heard. I have heard that they did.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or '40? A Not that I know of.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A May I ask you what you mean by ancestor?
- Q I mean your father or mother; grandfather or grandmother; or, great grandfather or great grandmother? A No, sir.
- Q Did they claim any land under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A Not that I know of.
- Q Do you know if any of your ancestors, if Choctaw Indians, claimed any benefits under any treaty made between the Choctaw Indians and the United States government other than the treaty of 1830? A No, sir.

The Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. It is estimated that at least six-thousand Indians stayed back there in the old Choctaw Nation in Mississippi and Alabama and of that number a good many made application to be come registered by Colonel Ward under article fourteen, whose names he failed to register. His neglect to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both the land and the improvements they had upon that land for both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837 by act approved March 3rd of that year Congress appointed a Commission which

went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose; this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions, that of 1837 or the Commission of 1842 and claim benefits as Choctaw Indians under article fourteen of that treaty? A Not that I know of.

The act of Congress approved August 23rd, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek; if it further appeared that he had had land in Mississippi and that the government had taken that land from him and sold it at its public land sales that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I heard that William Simmons did. I can't say positively that he did.
- Q Did you ever see that scrip; or did you ever see anybody that did see it? A My grandmother says that she seen it. That is what she told me.
- Q What was it; do you know about its appearance? A No, sir.
- Q Do you know whether land was selected under that certificate? A No, sir; I don't think it was.
- Q Do you know what became of that certificate? A I have heard but I don't remember.
- Q What relation is Icy Ann Ables to you? A My mother.
- Q John T. Ables? A My brother.
- Q Ellen Carnes? A Aunt.
- Q Josie B. Glenn? A Aunt.
- Q Would you like to have their cases considered with yours? A Yes, sir.
- Q Have you any other evidence you want to introduce now in support of this case? A

By attorney.

We desire to introduce the same part of the record of volume 7, of American State Papers, page 637, deposition number 11, we also ask for a reasonable time in which to introduce the deposition of Mrs. Lucretia Simmons and probably the depositions of Andrew J. Ables.

By the Commission.

A reasonable time is allowed this applicant in which to introduce proper evidence if introduced under the rules of the Commission.

- Q Do you know that the name of William Simmons appears on page 637, of volume 7, American State Papers? A I did not know until I heard it read there.
- Q How are you able to say that that William Simmons is your grandfather? A I could not say.

#6

This applicant has the appearance and physical characteristics of being descended from white parentage. He has florid complexion, blue eyes, brown hair, light brown mustache.

Q Do you speak or understand the Choctaw language? A No, sir.

He has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

List of Choctaw Indians to whom scrip was issued under the fourteenth article of the treaty of 1830, prepared by the Indian Office, examined, and the name of William Simmons not found thereon.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 20, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 20, 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 12th day of April 1902.

Carmita Wood

Notary Public.

Miss. Choctaw 4980

Muskogee, Indian Territory, October 24, 1902.

W. M. Ables,

Romoland, Texas,

Dear Sir:

Your letter of October 17, 1902, addressed to the United States Indian Agent, Muskogee, Indian Territory, has been by him referred to this Commission for reply. You ask therein if an applicant for identification as a Mississippi Choctaw whose case is pending before the Commission would be justified in purchasing lands from a citizen now in possession of more land than he and his family can allot.

In reply to your letter you are advised that it appears from our records that William M. Ables is an applicant for the identification of himself and his minor children as Mississippi Choctaws. No decision nor opinion has yet been rendered relative to your rights as such Mississippi Choctaws and the status of yourself and your children is that of applicants for identification as Mississippi Choctaws whose rights have in no manner been determined. The Commission now has your application under consideration, and it is probable that within the near future a decision will be reached. You will then be duly notified thereof and of the forwarding of the record in the case to the Secretary of the Interior.

Relative to your right to hold lands in the Choctaw and Chickasaw Nations, your attention is invited to the following provision of the agreement recently entered into between the United States and the Choctaw and Chickasaw Nations, approved by an act of Congress of July 1, 1902, which was ratified September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

It is not believed that the benefits of the above legislation would accrue to applicants until they have been identified by this Commission as Mississippi Choctaws entitled to allotment. Your status being that of an applicant whose rights have not been determined, you would not be entitled to possessory rights of the Choctaw-Chickasaw tribal property.

Respectfully,

Acting Chairman.

X C R 4980

Muskogee, Indian Territory, March 23, 1903.

William M. Ables,

Rosebud, Texas.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of the mother, Louis Ables, and that of the attending physician, D. W. Black, relative to the birth of Ellavene Ables, January 27, 1903, and the same has been filed with the records of the Commission.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, April 29, 1903.

William M. Ables,

Madill, Indian Territory.

Dear Sir:

You are hereby advised that on the 29th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Icy Ann Ables, et al., embracing the following applications for identification as Mississippi Choctaws:

Icy Ann Ables, et al.,	M.C.R. 4977
Lula Wright, et al.,	M.C.R. 5060
William M. Ables, et al.,	M.C.R. 4980
Mary J. Varrock, et al.,	M.C.R. 4981
Sarah Ann Helt, et al.,	M.C.R. 4982
John Thomas Ables, et al.,	M.C.R. 4976
James A. Ables,	M.C.R. 4983
Joseph Edward Ables,	M.C.R. 4993
Robert Ables, et al.,	M.C.R. 4994
Ellen Carnes, et al.,	M.C.R. 4978
Josie B. Glenn, et al.,	M.C.R. 4979

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats., 493) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Icy Ann Ables, Andrew Jackson Ables, Jr., George Washington Ables, Leonard Ables, Leota Ables, Lula Wright, James Dewey Wright, Mary Musett Wright, William M. Ables, Jesse H. Ables, William Lloyd Ables, Lillian Ables, Bertha Ables, William Monroe Ables, Mary J. Warrock, Willie May Warrock, Vera Ann Warrock, Lula Jewell Warrock, S. Goulby Warrock, Sarah Ann Holt, Walter Andrew Holt, Opal May Holt, J. C. Holt, John Thomas Ables, Luther Ables, Arthur Ables, Annie Ables, Lula Jewel Ables, James A. Ables, Joseph Edward Ables, Robert Ables, John Lewis Ables, Ellen Carnes, Auther May Carnes, Ida Belle Carnes, Valeria W. Carnes, William Edward Carnes, Joseph Ernest Carnes, Luellen Carnes, Wiley Carnes, Dovie Carnes, Josie B. Glenn, Le G. Glenn, Hessie M. Glenn, Josie B. Glenn (2), Edith E. Glenn and William Lewis Glenn, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

Tamc Bixby.

Chairman.

Registered.

M C R 4980

Muskogee, Indian Territory, January 6, 1905.

William M. Ables,

Madill, Indian Territory.

Dear Sir:

You are hereby notified that in accordance with instructions contained in a letter from the Secretary of the Interior, under date of December 30, 1904, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Friday, January 20, 1905, at nine o'clock A. M., hear the testimony of Thomas Sandwith Ashley, of Madill, Indian Territory, whose testimony your attorneys have heretofore petitioned the Secretary of the Interior to receive in support of the consolidated Mississippi Choctaw case of Icy Ann Ables, et al.

Respectfully,

Chairman.

Registered.

M C R 4980

COPY.

Muskogee, Indian Territory, March 14, 1906.

William M. Ables,

Madill, Indian Territory.

Sir:-

You are hereby notified that the Secretary of the Interior, on February 26, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of April 29, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Icy Ann Ables, et al., of which the application for the identification of yourself and minor children is a part.

Respectfully,

SIGNED *Wm. O. Hall*
Acting Commissioner.

COPY

MCR-4980

Muskogee, Indian Territory, January 19, 1907.

William M. Ables,

Madill, Indian Territory.

Dear Sir:-

You are hereby notified that on January 11, 1907, the Secretary of the Interior denied a motion, filed March 27, 1906, by W. W. Wright and Chester Hows, attorneys at law, Washington, D. C., for review of departmental decision of February 26, 1906, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of Icy Ann Ables et al., of which the application for the identification of yourself and children is a part.

Respectfully,

SIGNED

James W. Kirby

Commissioner.

4980

20

IN RE

Application for Enrollment of

INFANT CHILD

Hillie Cusumme Ahles

FOR IDENTIFICATION AS

ANTHONY ^{AS A SON OF} *Chactaw* A.V. Nation.

Approved

190

Commissioner.

EUGENE E. 1900

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment as a citizen of the Choctaw Nation,
 of Willie Ellaorne Able (Here insert name of child) born on the 27 day of January, 1903
 Name of Father: H. M. Able a citizen of the Choctaw Nation.
 Name of Mother: L. P. Able a citizen of the Choctaw Nation.
 Post-office Rosebud, Texas

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,

District.

I, L. P. Able, on oath state that I am 34
 years of age and a citizen, by marriage, of the Choctaw Nation;
 that I am the lawful wife of H. M. Able, who is a citizen, by
birth, of the Choctaw Nation; that a female child was
 (Male or female)
 born to me on 27 day of January, 1903; that said child has been named
Willie Ellaorne Able, and is now living.

WITNESSES TO MARK:

Must be Two
 Witnesses.

Subscribed and sworn to before me this 17th day of March, 1903.

P. R. Stripling, J. R. and
Falls County, Texas Ex-officio NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,

District.

I, D. W. Black, a Physician, on oath state that I at-
 tended on Mrs. W. M. Able, wife of W. M. Able
 on the 27 day of Jan., 1903; that there was born to her on said
 date a female child; that said child is now living and is said to have been named
 (MALE OR FEMALE)
Willie Ellaorne Able

WITNESSES TO MARK:

Must be Two
 Witnesses.

Subscribed and sworn to before me this 17th day of March, 1903.

P. R. Stripling, Justice of the Peace
and Ex-officio
Falls County, Texas NOTARY PUBLIC.

Received of the commission to the Five Civilized
Tribes one copy of the testimony of William M. Ables in the matter
of his application for the identification of himself and his minor
children as Mississippi Choctaws, M.C. 4980.

Geo E Rider

Dated at Madill, Ind. T.,
this May 8, 1902.

Copy of this testimony sent to Mansfield, McMurray & Cornish on
January 12, 1905.

FOR IDENTIFICATION AS A MISSISSIPPI CASE

MAR 29 1902

Date

Name William M. Ables

Age 35, Blood 1/8

Post Office, Madill, I., T.

Father: A. J. Ables — C.

Mother: Jey Ann Ables, C.

Claims through Mother —
wife. Louie Ables, 30 & 4

No claim for wife.

Children:

Jesse B. Ables,	15
William Lloyd ..	11
Lillian ..	8
Bertha ..	5
William M. ..	1

Claims for self &
children

Stenographer G. Rosemeyer

Choctaw MCR 4981

Mary J. Warrock.

See MCR 4977

MCR 4981

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 20, 1902.

4981

In the matter of the application for identification as Mississippi Choctaws of Mary J. Warrock for her self and her four minor children Willie May, Vera Ann, Lula Jewel and S. Gouldy Warrock.

G. E. Rider attorney appearing for applicants.

Mary J. Warrock being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Mary J. Warrock.
Q What is your age? A Thirty-three.
Q What is your post office address? A Rosebud, Texas.
Q How long have you lived at Rosebud? A Ten years.
Q Where did you live before that? A Every where you might say;
all over the state of Texas.
Q Live in Texas all your life? A No, sir.
Q Where were you born? A Alabama.
Q At what age did you remove to Texas? A At about four years.
Q Since lived in Texas? A Yes, sir.
Q What is your father's name? A Andrew Jackson Ables.
Q He is living is he not? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is her name? A Icy Ann Ables.
Q You claim through your mother? A Yes, sir.
Q How much Choctaw blood do you claim? A I suppose one-eighth.
Q Your mother claimed how much? A One-quarter.
Q You claim one-half of that? A Yes, sir.
Q Who is William M. Ables? A He is my brother.
Q He claims one-eighth? A Yes, sir.
Q You claim one-eighth; if your mother claimed one-quarter of course
you claim one-eighth? A No answer.
Q Has your mother ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the United States authorities in Indian Terri-
tory? A No, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A W. L. Warrock.
Q Is he living? A Yes, sir.
Q Is he a white man or Indian? A White man.
Q You make any claim for him as having Choctaw blood? A No, sir.
Q Have you any children that you want to make application for? A
I have four.
Q What is the name of the oldest? A Willie May.
Q Boy? A Girl.
Q How old is Willie May? A In her fourteenth year.
Q Fourteen? A Nearly fourteen.

#2

- Q What is the name of the next child? A Vera Ann.
Q V-e-r-a--A-n-n? A Yes, sir.
Q Girl? A Yes, sir.
Q How old is Vera? A She is twelve.
Q Next? A Lula Jewell.
Q L-u-l-a--J-e-w-e-l? A Two L's.
Q How old is she? A Ten.
Q What is the name of the next? A S. G-o-o-u-l-d-y, that is a boy.
Q How old is he? A Seven years old.
Q You claim for yourself and these four children? A Yes, four children.
Q Is W. L. Warrock the father of these children? A Yes, sir.
Q Are they living with you at your home? A Yes, sir.
Q Were either of you married before your marriage to each other? Not that I know of; I know I was not.
Q You never heard that he was? A I suppose he was not.
Q Is your name of the names of your children or any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your children to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A I have not.
Q Have you ever been admitted to citizenship in the Choctaw Nation with your children by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
Q Do you understand that article of that treaty? A I don't know whether I do or not.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th of September 1830, afterwards on the 24th of February 1831 it was ratified. But, before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under that article or under that treaty; in order therefore to protect the interest of those Choctaw Indians who wished to stay back there in the old Choctaw Nation in Mississippi and Alabama article fourteen was drafted and put into the treaty of 1830. It was then signed and afterwards became ratified. Article fourteen was put in for the especial benefit of Mississippi Choctaw Indians, it reads as follows:

"Each Choctaw head of a family being desirous to remain and become citizens of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it.

Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with that article do you know? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A William Simmons.
- Q What relation was he to you? A My grandfather.
- Q How much Choctaw blood did he have? A He claimed to be one-half I believe or was supposed to be.
- Q Did he live in Mississippi in 1830? A I don't know.
- Q Did he have a family there at that time? A I don't know that either.
- Q Did he own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did he within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that he wanted to stay in Mississippi, take land there and become a citizen of the United States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama either under article fourteen of the treaty of 1830 or under any other article of the treaty or under the supplement of that treaty? A I don't know.
- Q Did he claim any benefits as a Choctaw Indian under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830; do you know? A I never heard that I know of.
- Q How old would William Simmons be if living now; do you know? A Close to ninety I suppose.
- Q Did he die in Mississippi or where did he die? A I think He died in Alabama.
- Q Do you know when and where he died there? A No, sir; I don't
- Q Did he have a Choctaw Indian name or speak the Choctaw Indian language? A I don't know.
- Q You claim through your mother? A Yes, sir.
- Q She claimed through which parent? A Father.
- Q He claimed through William Simmons your grandfather? A That was my grandfather that she claimed through..
- Q Is his wife living now? A Yes, sir.
- Q What is her name? A Lucretia Simmons.
- Q Did you ever talk with her about William Simmons having Indian blood? A No, sir.
- Q Have you any recollection of what she ever told you on that subject? A I have not.
- Q Was Lucretia Simmons his first or second wife? A Supposed to be his second wife.
- Q Do you know the name of his first wife? A No, sir.

The Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of that treaty, to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty of 1830 and tell this agent that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose

names Colonel Ward failed to put upon his list known as Ward's register. A great many of them either registered or attempted to register with Colonel Ward but for some reason known better to himself than any one else he failed to put their names upon his list. This caused a great many complaints among the Choctaw Indians especially by those who had land in Mississippi which the government had taken from them and sold at its public land sales because their names did not appear upon Ward's register. These complaints became so numerous that Congress in 1837, by act approved March 3rd of that year, appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 by act of Congress approved August 23rd of that year another Commission was appointed for the same purpose. These Commissions made lists of the names of all Choctaw Indian claimants who came before them each one respectively, claiming under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know whether they did or not.
- Q Did any of your Choctaw ancestors to your knowledge receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had formerly held in Mississippi and which the government had taken from them and sold? A I don't know.
- Q This scrip was issued under an act of Congress of August 23rd 1842. What relation is Icy Ann Ables to you? A Mother.
- Q John T. Ables? A Brother.
- Q Josie B. Glenn? A Aunt.
- Q Ellen Carnes? A Aunt.
- Q William M. Ables? A Brother.
- Q Would you like to have the testimony given by them in their applications considered with yours? A Yes, sir.
- Q Do you speak or understand the Choctaw language? A I don't.
- Q Is there anything further you would like to say in support of this claim? A No, sir.
- Q Do you want to introduce any further testimony in support of this case in this claim?

By attorney.

We want a reasonable time in which to introduce the marriage certificate, also the depositions of Mrs. Lucretia Simmons and that of Andrew J. Ables.

We also want to introduce and considered as a part of the evidence in this case deposition number 11, page 637, of American State Papers; the entire deposition of James Standley.

By the Commission.

A reasonable time is allowed this applicant on motion of her attorney in which to present proper evidence in this case if presented under the rules of the Commission.

#5

- Q Do you know whether the William Simmons whose name is contained in the deposition on page 437, American State Papers, volume 7, is your kin through whom you claim your right to be identified as a Mississippi Choctaw or not? A I don't know.
- Q You are not able to give any testimony now to connect your grandfather with this William Simmons named in this book? A No, sir.

This applicant has the physical characteristics of being descended from white parentage; medium dark complexion; dark brown eyes; black hair or very nearly so. She does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 20, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 12th day of April 1902.

W. A. Mitchellwood
Notary Public.

COPY.

M.C.R. 4981

Muskogee, Indian Territory, April 29, 1903.

Mary J. Warreck,
Rosebud, Texas.

Dear Madam:

You are hereby advised that on the 29th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Icy Ann Ables, et al., embracing the following applications for identification as Mississippi Choctaws:

Icy Ann Ables, et al.,	M.C.R. 4977
Lula Wright, et al.,	M.C.R. 5060
William M. Ables, et al.,	M.C.R. 4980
Mary J. Warreck, et al.,	M.C.R. 4981
Sarah Ann Holt, et al.,	M.C.R. 4982
John Thomas Ables, et al.,	M.C.R. 4976
James A. Ables,	M.C.R. 4983
Joseph Edward Ables,	M.C.R. 4993
Robert Ables, et al.,	M.C.R. 4994
Ellen Carnes, et al.,	M.C.R. 4978
Jessie B. Glenn, et al.,	M.C.R. 4979

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Icy Ann Ables, Andrew Jackson Ables, Jr., George Washington Ables, Leonard Ables, Lesta Ables, Lula Wright, James Dewey Wright, Mary Musett Wright, William M. Ables, Jesse B. Ables, William Lloyd Ables, Lillian Ables, Bertha Ables, William Monroe Ables, Mary J. Warreck, Willie May Warreck, Vera Ann Warreck, Lula Jewell Warreck, S. Gouldy Warreck, Sarah Ann Holt, Walter Andrew Holt, Opal May Holt, J. C. Holt, John Thomas Ables, Luther Ables, Arthur Ables, Annie Ables, Lula Jewel Ables, James A. Ables, Joseph Edward Ables, Robert Ables, John Lewis Ables, Ellen Carnes, Auther May Carnes, Ida Belle Carnes, Valeria H. Carnes, William Edward Carnes, Joseph Ernest Carnes, Luellen Carnes, Wiley Carnes, Dovie Carnes, Josie B. Glenn, Lee G. Glenn, Hessie M. Glenn, Josie B. Glenn (2), Edith B. Glenn and William Lewis Glenn, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SGNL

Tams Bixby.
Chairman.

Registered.

M O R 4961

Muskogee, Indian Territory, January 6, 1906.

Mary J. Warrook,

Rosabud, Texas.

Dear Madam:

You are hereby notified that in accordance with instructions contained in a letter from the Secretary of the Interior, under date of December 30, 1904, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Friday, January 20, 1906, at nine o'clock A. M., hear the testimony of Thomas Sandwith Ashley, of Madill, Indian Territory, whose testimony your attorneys have heretofore petitioned the Secretary of the Interior to receive in support of the consolidated Mississippi Choctaw case of Icy Ann Ables, et al.

Respectfully,

Chairman.

Registered.

M C R 4981

COPY.

Muskogee, Indian Territory, March 14, 1906.

Mary J. Warrock,

Rosebud, Texas.

Madam:

You are hereby notified that the Secretary of the Interior, on February 26, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of April 29, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Icy Ann Ables, et al., of which the application for the identification of yourself and minor children is a part.

Respectfully,

SIGNED

Acting Commissioner.

MCR-4981

COPY

Muskogee, Indian Territory, January 19, 1907.

Mary J. Warrock,
Rosebud, Texas.

Dear Madam:-

You are hereby notified that on January 11, 1907, the Secretary of the Interior denied a motion, filed March 27, 1906, by W. W. Wright and Chester Howe, attorneys at law, Washington, D. C., for review of Departmental decision of February 26, 1906, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of Icy Ann Ables et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Tams Bixby.

Commissioner.

Received of the Commission to the Five Civilized
Tribes one copy of the testimony of Mary J. Warrock in the matter of
her application for the identification of herself and her minor
children as Mississippi Choctaws, M.C. 4981.

- Geo E Rider

Dated at Madill Ind. T.,
this May 8, 1902.

Copy of this testimony sent to Mansfield, McMurray & Cornish on
January 12, 1905.

No. 4981

For Identification as a Mississippi Choctaw.

Date

1932

Name Mary J. Warrock

Age 33 — Blood 1/8

Post Office, Rosebud, Texas,

Father: Andrew J. Ables, l.

Mother: Lety Ann " l.

Claims through Mother
Husband.

W. L. Warrock, l. w.

No claim for husband.

Children:

Millie May " (F.) 14

Vera Ann " (F.) 12

Lula Jewell " (F.) 10

L. Gouedy " (M.) 7

Claims for self &
4 children

Stenographer G. Rosemond

Choctaw MCR 4982

Sarah Ann Holt

See MCR 4977

MCR 4982

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 20, 1902.

4982

In the matter of the application for identification as Mississippi Choctaws of Sarah Ann Holt for herself and her three minor children, Walter Andrew, Opal May and J. C. Holt.

G. M. Rider, attorney appearing for applicants.

Sarah Ann Holt being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Sarah Ann Holt.
Q What is your age? A Thirty-one.
Q What is your post office address? A Rosebud, Texas.
Q How long have you lived there? A Five years.
Q Where were you born? A Alabama.
Q Where in Alabama? A I believe Montgomery County.
Q How long did you live in that state? A I was between two and three years old.
Q And came where? A Texas.
Q And have lived in Texas since? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Andrew J. Ables.
Q What is your mother's name? A Icy Ann Ables.
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q She has appeared to-day to be identified as a Mississippi Choctaw? A Yes, sir.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States Authorities in Indian Territory? A No, sir.
Q Is your husband living? A Yes, sir.
Q What is his name? A James Crawford Holt.
Q He is living? A Yes, sir.
Q White man; not an Indian? A White man.
Q You make no claim for him? A No, sir.
Q Have you any children that you want to make application for? A Three.
Q What is the name of the oldest? A Walter Andrew Holt.
Q What is his age? A Ten.
Q Next? A Opal May.
Q O-p-a-l? A Yes, sir.
Q How old is she? A She is in her seventh year.
Q What is the name of the next? A J. C. Holt.
Q What does the "J" stand for? A After his father.
Q Is it not James then? A No, sir; it is just J. C. we call him that. We did not give him James after his father but just J.C.
Q How old is he? A Four years old.

- Q Is that all? A Yes, sir.
- Q You claim for yourself and these three children? A Yes, sir.
- Q Is James C. Holt the father of these children? A Yes, sir.
- Q Were you or he either of you married before you married each other? A I was not and he was not that I know of.
- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities or the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to identify yourself and these children, each as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q You understand that article of that treaty? A I think I do.
- Q Would you like to have it further explained? A I have heard it read two or three times to-day.
- Q You think you understand it? A I think I do.
- Q The article without the explanation is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of that article to your knowledge? A Not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A William Simmons.
- Q How much Choctaw blood did he have? A He claimed one-half.
- Q What relation was he to you? A He was my grandfather.
- Q Did you ever hear that he lived in Mississippi in 1830 and had a family of children there then? A Yes, I heard it in the family.
- Q Did you ever see him yourself? A Yes, I suppose I did but I don't remember him.
- Q Is his wife living now? A Yes, my grandmother is.
- Q What is her name? A Lucretia Simmons.
- Q How old is she? A About ninety.
- Q And lived where? A At Madill, Indian Territory.

- Q Did you ever hear her say about William Simmons having Choctaw Indian blood and having complied with article fourteen of the treaty of 1830? A I have heard her speak of him taking trips after they were married back into Mississippi but what they were for I have no personal remembrance of.
- Q How old would he be if living now? A About ninety-eight.
- Q Do you know what the name of his first wife was? A No, sir.
- Q Do you know what your grandmother Lucretia's maiden name was? A Dunn.
- Q D-u-n-n? A I believe so.
- Q Where were they married? A In Alabama I think.
- Q Do you remember when they married there? A No, sir.
- Q You claim through your mother? A Yes, sir.
- Q She claims through William Simmons? A Yes, sir.
- Q This is your grandfather? A Yes, sir.
- Q Do you know whether he claimed through his father or mother? A I don't know.
- Q Did he or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did he or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I could not say.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama, either under article fourteen of the treaty of 1830 or under any other article of that treaty or under the supplement of that treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors go before either the Commission appointed under act of Congress of March 3rd 1837 or the Commission appointed under act of Congress approved August 23rd 1842 and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q You understand that these Commissions were appointed because a good many Indians claimed that they went to Colonel Ward within six months after the treaty of 1830 was ratified and attempted to register and that he would not receive their names and would not register them? A Yes, sir.
- Q Afterwards when they had taken land in Mississippi they had that land taken from them and sold by the government because their names did not appear upon this list made by Colonel Ward. You don't know whether any of your ancestors went before either of these Commissions? A No, sir I don't.
- Q Did you ever hear that any of your Choctaw ancestors received any scrip from the United States government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they claimed they had in Mississippi and which the government had taken from them and sold? A I have heard it spoken of but I don't recollect the conversation.
- Q You don't know very much about that; you know what that scrip was for? A Yes; I suppose I do; I suppose the scrip was something like we claim now, as deeds to the land.

#4

- Q It was a certificate which entitled them to select land; now, did you ever hear that any of your Choctaw ancestors received any such scrip? A I have heard it spoken of in the family.
- Q You never heard that they selected land did you? A I have heard them speak of the scrip being burned in the family.

List of names of Choctaw Indians to whom scrip was issued under the fourteenth article of the treaty of 1830, prepared by the Indian office examined and the name of William Simmons not found thereon.

- Q Has your mother appeared to be identified as a Mississippi Choctaw on this date March 20, 1902? A Yes, sir.
- Q What is her name? A Icy Ann Ables.
- Q You have other brothers and sisters and aunts who have appeared here? A Yes, sir.
- Q They all claim through William Simmons do they not? A Yes, sir.
- Q You want to have their testimony and yours considered together? Yes, sir.
- Q Do you understand or speak the Choctaw language? A No, sir.
- Q Have you any other evidence you want to introduce now in support of this claim? A ---

By attorney Rider.

We desire to introduce the entire deposition of James Standley found on page 637, number 11, American State Papers and ask for further time in which to introduce other proper testimony.

By the Commission

- Q A reasonable time is granted this applicant in which to introduce other proper evidence in support of this application.
- Q Do you understand that the name of William Simmons appears in the deposition on page 637 of volume 7, American State Papers? I have heard it to-day.
- Q This is the first time you have heard of it? A Well no, I have heard it spoken, I think some one said that his name was on the rolls.
- Q In what way are you able to identify the William Simmons whose name appears in volume 7, of the American State Papers on page 637 with the William Simmons who is your grandfather? A Only from what I have heard from the family.
- Q You are not able to state further than that? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium fair complexion; blue eyes; brown hair. She does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oaths states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 20, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

Subscribed and sworn to before me this 19th day of April 1902.

G. Rosenwinkel
Wm. Mitchell Notary Public.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony of Sarah Ann Holt in the matter of her application for the identification of herself and her minor children as Mississippi Choctaws, M.C. 4982.

Dated at Madill, Ind. T.

this May 8, 1902.

Geo E Rider

Copy of this testimony sent to Mansfield, McMurray & Cornish on
January 11, 1905.

Copy of this testimony sent to Mansfield, McMurray & Cornish on
January 11, 1905.

Register to Sarah Ann Holt

Rosebud Texas

Return receipt to M C R 4941

M C R 4982

Muskogee, Indian Territory, January 6, 1905.

Sarah Ann Holt,
Rosebud, Texas.

Dear Madam:

You are hereby notified that in accordance with instructions contained in a letter from the Secretary of the Interior, under date of December 30, 1904, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Friday, January 20, 1905, at nine o'clock A. M., hear the testimony of Thomas Sandwith Ashley, of Madill, Indian Territory, whose testimony your attorneys have heretofore petitioned the Secretary of the Interior to receive in support of the consolidated Mississippi Choctaw case of Icy Ann Ables, et al.

Respectfully,

Chairman.

Registered.

709M

REFER IN REPLY TO THE FOLLOWING

M C R 4982

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1906.

Sarah Ann Holt,
Rosebud, Texas.

Madam:

You are hereby notified that the Secretary of the Interior, on February 22, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of April 29, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Icy Ann Ablea, et al., of which the application for the identification of yourself and minor children is a part.

Respectfully,

Acting Commissioner.

REFER IN REPLY TO THE FOLLOWING:

MCR-4982

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 19, 1907.

Sarah Ann Holt,
Rosebud, Texas.

Dear Madam:-

You are hereby notified that on January 11, 1907, the Secretary of the Interior denied a motion, filed March 27, 1906, by W. W. Wright and Chester Howe, attorneys at law, Washington, D. C., for review of Departmental decision of February 26, 1906, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of Icy Ann Ables et al., of which the application for the identification of yourself and children is a part.

Respectfully,



Commissioner.

No. 4982

For Identification as a Mississippi Choctaw.

Date

1 1907

Name Sarah Ann Holt.

Age 31— Blood 1/8

Post Office, Rosebud, Texas,

Father: Andrew J. Ables l.

Mother: Oey Ann " l.

Claims through mother
Husband James C. Holt, l. w.

No claim for husband

Children:

Walter A. Holt, 10.

Opal May " 7.

J. C. " ~~4~~ 4.

Claims for self
and children

Stenographer G. Rosenwinkel.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

22

~~Sarah Ann Holt,~~

~~Reschud,~~ Texas.

APR - 2 1906

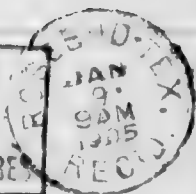
COMMISSIONER

FILED

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES



M.C.R.-4982



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

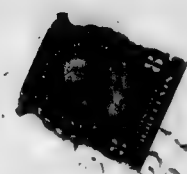
FEB 28 1905



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writer
enclosed*

1/1/2

10073



Garas Ann Holt,

Muskogee, Ind. Ter.

REGISTERED
JAN 6 1905
MUSKOGEE, IND. TER.

W-11

DEPARTMENT OF THE INTERIOR
Commissioner to the Five Civilized Tribes

FILED

MAR 25 1907

Commissioner



Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCOE, IND. TER.



~~Sarah Ann Holt,~~

~~Rosebud, Texas~~

Choctaw MCR 4983

James A. Ables

See MCR 4977

MCR 4983

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 20, 1902.

4983

In the matter of the application for identification as a
Mississippi Choctaw of James A. Ables.

Attorney G. E. Rider appearing for applicants.

James A. Ables being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A James A. Ables.
Q What is your age? A Twenty-five.
Q What is your post office? A Madill, Indian Territory.
Q Where were you born? A Born in Texas.
Q How long did you live in Texas? A Up until the 20th of last November.
Q When you removed to the Territory? A Yes, sir.
Q And have lived in the Territory since? A Yes, sir.
Q Your father's name is what? A Andrew J. Ables.
Q Is he living? A Yes, sir.
Q Your mother's name is what? A Icy Ann Ables.
Q Is she living? A Yes, sir.
Q Has she made application here to-day? A Yes, sir.
Q You claim through your mother do you? A Yes, sir.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory?
A Not that I know of.
Q Are you married? A Yes, sir.
Q What is the name of your wife? A Theodasia Anna.
Q T-h-e-o-d-a-s-i-a? A Yes, that is right and Anna.
Q Do you make any claim for her as having Choctaw blood? A Not any.
Q She is living? A Yes, sir.
Q She is a white woman? A Yes, sir.
Q Do you make any claim for anybody besides yourself? A No, sir.
Q Is your name on any of the tribal roll of the Choctaw Nation in Indian Territory? A I don't know.
Q Have you ever made application for enrollment as a Choctaw Indian to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A I don't exactly understand it.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.

#2

- Q Do you now come before the Commission to identify yourself as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? A I think so, I heard it read.
- Q You have heard it read and explained a number of times? A Yes, sir.
- Q You think you understand it pretty well now? A Yes, sir.
- Q It reads as follows, without the explanation?

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article as read to you? A I don't know sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A William Simmons.
- Q What relation to you? A Grandfather.
- Q How much Choctaw blood did he have? A One-half.
- Q Did he live in Mississippi in 1830 and have a family there then? A I don't know; I heard it told that he did.
- Q Was he born in Mississippi? A I don't know.
- Q Do you know whether he claimed through his father or mother? A No, sir.
- Q How old would he be if living now? A About ninety-eight years old.
- Q You claim through your mother? A Yes, sir.
- Q How old is she now? A About fifty-four.
- Q Where was she born? A In Alabama.
- Q This grandfather through whom you claim is her father is it not? A Yes, sir.
- Q What was your grandmother's name? A Lucretia Simmons.
- Q How old is she? A About ninety.
- Q She is living now? A Yes, sir.
- Q Where is she living? A At Madill.
- Q Indian Territory? A Yes, sir.
- Q Did you ever hear her state that her husband complied with the provisions of article fourteen of the treaty of 1830? A Why I don't know whether I did or not.
- Q Did you ever hear her say that her husband received land in Mississippi or Alabama which he obtained from the government under article fourteen of the treaty of 1830? A No, sir.

#3

- Q Did you ever hear her say that he got any land in Mississippi? A No, sir.
- Q Did any of your Choctaw ancestors own any improvements on land or claim any in Mississippi or Alabama in the year 1830 or any time before that? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830 or under any other article of that treaty than article fourteen or under the supplement of that treaty? A No, sir; I think not.
- Q Did they claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A They talked that he claimed Indian.
- Q But you did not hear anything else? A No, sir; I don't know how he claimed it.

The Indians who remained in Mississippi or in the old Choctaw Nation partly in Mississippi and partly in Alabama, after the treaty of 1830 was ratified, were required if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. That list contained the names of only seventy-one heads of families out of at least six-thousand Indians who remained back in the old Choctaw Nation after the others had gone to the Indian Territory. Colonel Ward neglected to make a full, and complete registry list of the Choctaw Indian claimants who attempted to register before him under article fourteen of the treaty of 1830 and this caused a good many Indians who had land in Mississippi upon which they had improvements to lose them both, both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837 Congress appointed a Commission, which Commission went to Mississippi under an act approved March 3rd of that year and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23rd of that year.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No, sir I do not.
- Q Did any of your Choctaw ancestors receive any scrip from the government of the United States which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they claimed they formerly held and which the government had taken from them and sold at its public land sales? A I have heard them talking about land certificates.
- Q Do you know anything further about it than that? A No, sir; they called them certificates.

#4

- Q Do you know if they owned any certificates which they received from the government and if they selected any land in Mississippi, Alabama, Louisiana or Arkansas? A No, sir; I don't know.
- Q Is Icy Ann Ables your mother? A Yes, sir.
- Q John T., your brother? A Yes, sir.
- Q There are other relatives who have come before this Commission to be identified on this date? A Yes, sir.
- Q They all claim through William Simmons? A Yes, sir.
- Q You want to have all their testimony considered with yours and thus consolidated in one case? A Yes, sir.
- Q Do you want any time in which to introduce other testimony or proof in this case? A --

By attorney Rider.

We want a reasonable time in which to introduce the deposition of Lucretia Simmons and A. J. Ables and also desire to introduce the entire deposition of James Standley found on page 637, American State Papers, deposition number 11.

By the Commission.

- Q Are you aware of the fact that the name of one William Simmons appears on page 637, of volume 7, American State Papers in a deposition tending to show that the William Simmons whose name appears therein presented himself before Colonel Ward as a beneficiary under article 14 of the treaty of 1830? A I don't know.
- Q You know there is such a name on that book? A Yes, I heard it this evening.
- Qx Now are you able to state that that William Simmons whose name appears in Volume 7, American state Papers in that depositions on page 637, is the William Simmons who is your grandfather through whom you claim? A No, sir.
- Q You are not able to show that now? A No, sir.
- Q When was the first time that you ever heard that the name of William Simmons appeared in that volume on page 637? A Since Noon.
- Q Since noon to-day? A Yes, sir.
- Q You don't understand or speak the Choctaw language? A No, sir.
- Q Is there anything further that you want to say in this case at the present time. Anything more you want to say? A I believe not.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; brown hair. He does not speak the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 20, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 20, 1902.

Subscribed and sworn to before me this 19th day of April 1902.

G. Rosenwinkel
Notary Public.

4983

20

IN RE

Application for Enrollment of

INFANT CHILD

James Theodore Cates
as a citizen of
**FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.**

Nation.

Approved

190

Commissioner.

THE INTERIOR,
RECEIVED
FILED
MAR 28 1903

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Cherokee Nation,
 of James Theodore Ables, born on the 17 day of November, 1902
 (Here insert name of child)
 Name of Father: James A. Ables a citizen of the Cherokee Nation.
 Name of Mother: Theodore A. Ables a citizen of the Cherokee Nation.
 Post-office Medley, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Medley District.

I, Theodore Anna Ables, on oath state that I am Twenty three
 years of age and a citizen, by Intermarriage of the Cherokee Nation;
 that I am the lawful wife of James A. Ables, who is a citizen, by
Intermarriage, of the Cherokee Nation; that a Male child was
 (Male or female)
 born to me on 17 day of November, 1902 that said child has been named
James Theodore, and is now living.

WITNESSES TO MARK:

Theo Doeiga Ables

Must be Two
 Witnesses.

Subscribed and sworn to before me this 76 day of 11, 1902

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
Medley District.

I, J. S. Melech & Dr. Blylock, a MD, on oath state that I at-
 tended on Mrs. Theodore A. Ables, wife of James A. Ables
 on the 17th day of November, 1902; that there was born to her on said
 date a male child child; that said child is now living and is said to have been named
 (MALE OR FEMALE)

James Theodore

WITNESSES TO MARK:

J. S. Melech M.D.
Dr. A. Blylock M.D.

Must be Two
 Witnesses.

Subscribed and sworn to before me this 19 day of March, 1903

NOTARY PUBLIC.

Muskogee, Indian Territory, March 26, 1903.

James A. Ables,

Madill, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of the mother, Theodocia A. Ables, and that of the attending physicians, J. S. Welch and Thos. A. Blaylock, relative to the birth of your infant son James Theodore Ables, November 17, 1902. The same have been filed with the records of the Commission.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, April 29, 1903.

James A. Ables,

Madill, Indian Territory.

Dear Sir:

You are hereby advised that on the 29th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Icy Ann Ables, et al., embracing the following applications for identification as Mississippi Choctaws:

Icy Ann Ables, et al.,	M.C.R. 4977
Lula Wright, et al.,	M.C.R. 5060
William M. Ables, et al.,	M.C.R. 4980
Mary J. Warreck, et al.,	M.C.R. 4981
Sarah Ann Helt, et al.,	M.C.R. 4982
John Thomas Ables, et al.,	M.C.R. 4976
James A. Ables,	M.C.R. 4983
Joseph Edward Ables,	M.C.R. 4993
Robert Ables, et al.,	M.C.R. 4994
Ellen Carnes, et al.,	M.C.R. 4978
Jessie B. Glenn, et al.,	M.C.R. 4979

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Icy Ann Ables, Andrew Jackson Ables, Jr., George Washington Ables, Leonard Ables, Leeta Ables, Lula Wright, James Dewey Wright, Mary Musett Wright, William M. Ables, Jesse B. Ables, William Lloyd Ables, Milian Ables, Bertha Ables, William Monroe Ables, Mary J. Warrock, Willie May Warrock, Vera Ann Warrock, Lula Jewell Warrock, S. Gouldy Warrock, Sarah Ann Holt, Walter Andrew Holt, Opal May Holt, J. C. Holt, John Thomas Ables, Luther Ables, Arthur Ables, Annie Ables, Lula Jewel Ables, James A. Ables, Joseph Edward Ables, Robert Ables, John Lewis Ables, Ellen Carnes, Auther May Carnes, Ida Belle Carnes, Valeria N. Carnes, William Edward Carnes, Joseph Ernest Carnes, Luellen Carnes, Wiley Carnes, Dovie Carnes, Josie B. Glenn, Lee G. Glenn, Hossie M. Glenn, Josie B. Glenn (2), Edith E. Glenn and William Lewis Glenn, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

EDONE

Tams Bixby.

Chairman.

Registered.

COPY.

M.C.R. 4982

Muskogee, Indian Territory, April 29, 1903.

Sarah Ann Holt,

Rosebud, Texas.

Dear Madam:

You are hereby advised that on the 29th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Icy Ann Ables, et al., embracing the following applications for identification as Mississippi Choctaws:

Icy Ann Ables, et al.,	M.C.R. 4977
Lula Wright, et al.,	M.C.R. 5060
William M. Ables, et al.,	M.C.R. 4980
Mary J. Warrock, et al.,	M.C.R. 4981
Sarah Ann Holt, et al.,	M.C.R. 4982
John Thomas Ables, et al.,	M.C.R. 4976
James A. Ables,	M.C.R. 4983
Joseph Edward Ables,	M.C.R. 4993
Robert Ables, et al.,	M.C.R. 4994
Ellen Carnes, et al.,	M.C.R. 4978
Josie B. Glenn, et al.,	M.C.R. 4979

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Icy Ann Ables, Andrew Jackson Ables, Jr., George Washington Ables, Leonard Ables, Leeta Ables, Lula Wright, James Dewey Wright, Mary Musett Wright, William M. Ables, Jesse B. Ables, William Lloyd Ables, Lillian Ables, Bertha Ables, William Monroe Ables, Mary J. Warrock, Willie May Warrock, Vera Ann Warrock, Lula Jewell Warrock, S. Gouldy Warrock, Sarah Ann Holt, Walter Andrew Holt, Opal May Holt, J. C. Holt, John Thomas Ables, Luther Ables, Arthur Ables, Annie Ables, Lula Jewel Ables, James A. Ables, Joseph Edward Ables, Robert Ables, John Lewis Ables, Ellen Carnes, Auther May Carnes, Ida Belle Carnes, Valeria N. Carnes, William Edward Carnes, Joseph Ernest Carnes, Luellen Carnes, Wiley Carnes, Dovie Carnes, Jessie B. Glenn, Lee G. Glenn, Hessie M. Glenn, Jessie B. Glenn (2), Edith M. Glenn and William Lewis Glenn, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNE.

Tame Bixby.

Chairman.

Registered.

M C R 4283

Muskogee, Indian Territory, January 6, 1905.

James A. Ables,

Madill, Indian Territory.

Dear Sir:

You are hereby notified that in accordance with instructions contained in a letter from the Secretary of the Interior, under date of December 30, 1904, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Friday, January 20, 1905, at nine o'clock A. M., hear the testimony of Thomas Sandwith Ashley, of Madill, Indian Territory, whose testimony your attorneys have heretofore petitioned the Secretary of the Interior to receive in support of the consolidated Mississippi Choctaw case of Icy Ann Ables, et al.

Respectfully,

Chairman.

Registered..

M C R 4983

COPY.

Muskogee, Indian Territory, March 14, 1906.

James A. Ables,

Madill, Indian Territory.

Sir:

You are hereby notified that the Secretary of the Interior, on February 26, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of April 29, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Icy Ann Ables, et al., of which the application for the identification of yourself is a part.

Respectfully,

SIGNED *Wm. O. Beall.*
Acting Commissioner.

COPY

MUR-4983

Muskogee, Indian Territory, January 19, 1907.

James A. Ables,

Madill, Indian Territory.

Dear Sir:-

You are hereby notified that on January 11, 1907, the Secretary of the Interior denied a motion, filed March 27, 1906, by W. W. Wright and Chester Howe, attorneys at law, Washington, D. C., for review of Departmental decision of February 26, 1906, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of Icy Ann Ables et al., of which the application for the identification of yourself is a part.

Respectfully,

SIGNED *Wams Bixby.*

Commissioner.

Received of the Commission to the Five Civilized Tribes one
copy of the testimony of James A. Ables in the matter of his applica-
tion for identification as a Mississippi Choctaw, M.C. 4983.

Geo E Rider

Dated at Madill, Ind. T.,
this May 8, 1902.

Copy of this testimony sent to Mansfield, McMurray & Cornish on
January 12, 1905.

Copy of this testimony sent to Mansfield, McMurray & Cornish on
January 12, 1905.

For Identification as a Mississippi Choctaw.

Date

MAR 20 1952

Name James A. Ables

Age 25

Blood $\frac{1}{8}$

Post Office, Madril. L.T.

Father: Andrew J. Ables L

Mother: Ley Ann .. L

Claims through mother
wife, Theodocia^{A.} Ables L.W.

No claim for wife,

~~Children:~~

Claims for self
alone.

Stenographer G. Rosenwirth

Choctaw MCR 4984

Betsey Tuffamah

MCR 4984

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Betsey Tuffamah as a Mississippi Choctaw.

-oOo-

Herein is the record in the matter of the application for
the identification of Betsey Tuffamah as a Mississippi
Choctaw, M.C.R. 4984.

-oOo-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Betsey Tuffamah as a Mississippi Choctaw, M.C.R. 4984.

--: I N D E X :--

	(Page)
Original application of Betsey Tuffamah, to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Decision of the commission identifying said Betsey Tuffamah as a Mississippi Choctaw-----	3

-cOo-

4984

full

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, March 12, 1902.

In the matter of the application of Betsey Tuffamah for identification as a Mississippi Choctaw, represented by Will Jimmy.

Will Jimmy, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Will Jimmy.
Q How old are you? A Twenty five.
Q What's your post office address? A Franks.
Q Have you lived in Neshoba County all your life? A Yes, sir.
Q Are you a full blood Choctaw Indian? A Yes, sir.
Q What is your occupation at this time? A I am working for the Commission to the Five Civilized Tribes in the capacity of teamster.
Q Are you acquainted with a full blood Choctaw woman by the name of Betsey Tuffamah? A Yes, sir.
Q How long have you known her? A Been knowing her just as long as I can recollect.
Q You are sure she is a full blood Choctaw, are you? A Yes, sir.
Q Does she speak the Choctaw language? A Yes, sir.
Q Any English? A I don't know, sir, about that.
Q About how old a woman is she? A I suppose she is about sixty.
Q Where does she live? A She been living there close where she is living now.
Q Where does she live? A She living with Tom.
Q With her son, Tom Tuffamah, near Trapp, Neshoba County, Mississippi
A Yes, sir.
Q Is Trapp her postoffice address? A Yes, sir.
Q She has lived in this County so far as you can remember? A Yes, sir.
Q Is her father living? A No, sir.
Q Do you know what his name was? A No, sir, don't know.
Q Is her mother living? A No, sir.
Q What was her name? A I don't know her.
Q Has Betsey any children living who are under age? A No, sir.
Q Do you know the names of any of Betsey's grand parents? A No, sir.
Q How many children has she living? A Tom is all.
Q Just one, Tom Tuffamah? A Yes, sir.
Q Do you know whether Betsey has made any application of any kind to the Commission? A No, sir.
Q Is Tom married? A Yes.
Q What's his wife's name? A Sallie.
Q Is she a full blood Choctaw? A Yes, sir.
Q What was Tom's father's name? A Peter Tuffamah.
Q Was he a full blood? A Yes, sir.
Q You are familiar with the provisions of the 14th article of the treaty of Dancing Rabbit Creek - you understand that? A Yes, sir.
Q Do you know whether any of the ancestors of Betsey Tuffamah ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever received any

Betsey Tuffamah, 3.

benefits thereunder? A No, sir.

Q Don't know whether any of them ever got any land or money from the Government of the United States? A No, sir, I do not.

Q Did you ever hear of any of them ever having lived in Indian Territory? A No, sir.

Q Do you know any real old person living who would likely know whether any of Betsey's ancestors ever complied or attempted to comply with this treaty provision? A No, sir, I don't know.

(This application is made in behalf of Betsey Tuffamah by Will Jimmy, a full blood Choctaw, in the employ of the Commission as teamster. On Tuesday, March 4th, under the instructions of the Commission, Tom Waiter, a full blood living near Philadelphia, Mississippi, notified Betsey Tuffamah and her son, Tom, of the presence of the Commission at Philadelphia, and requested that they appear before us, which they declined to do. On Friday, March 7th, it was necessary for representatives of the Commission to visit some Indians living in near where these people live, and Betsey and her son were called upon on that date by representatives of the Commission, but all efforts to induce them to make application for identification as Mississippi Choctaws proved fruitless. They are undoubtedly full blood Choctaw Indians; they speak and understand the Choctaw language and very little English. So far as is disclosed by our records no application of any description has ever been made by either of these Indians to the Commission.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Seale, Mississippi, on the 12th day of March, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Seale, Mississippi, this 1st day of April, 1902.

L. B. Mosley
Clerk U. S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Betsey Tuffamah, as a Mississippi Choctaw, M.C.R. 4984.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commission
on March 12, 1902, by Will Jimmy for Betsey Tuffamah, under the
following provision of the act of Congress approved June 28, 1898
(30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

From the evidence submitted in support of said application
it appears that the applicant herein is a full blood Mississippi
Choctaw Indian.

Section forty-one of the act of Congress entitled "An Act
to ratify and confirm an agreement with the Choctaw and Chickasaw
tribes of Indians, and for other purposes," approved July 1, 1902,

(2)

(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations, September 25, 1902, provides as follows:

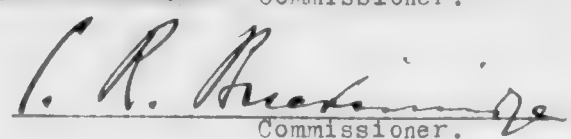
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Betsey Tuffamah should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

Commissioner.

MAY

MERIDIAN, MISSISSIPPI, October 2, 1903.

Betsey Tuffamah,

Trapp, Mississippi.

Dear Madam:-

It appears from the records of the Commission that on March 18, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 A. M. and six P. M.

Very respectfully,

No. 79---M C R 4984.

Special Agent.

Meridian, Mississippi, November 27, 1903.

Betsy Tuffamah,

Trapp, Mississippi.

Dear Madam-

Under date of October 2, 1903, the following letter was written to you:

It appears from the records of the Commission that on March 12, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim, it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

Muskogee, Indian Territory, May 5, 1904.

Betsy Tuffamah,

Trapp, Mississippi,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 5, 1904, identifying you as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must move to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

W. H. H. H.

Registered.

Chairman.

Enc. MCR 4984.

COPY.

M.C.R. 4984

Muskogee, Indian Territory, May 5, 1904.

Will Jimmy,

Trapp, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 5, 1904, rendered its decision identifying Betsey Tuffarah as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat, 641).

Under the provisions of the law above cited, the person so identified, in order to avail herself of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

James Hixby.
Chairman.

M.C.R. 4984
COPY.

Muskogee, Indian Territory, May 5, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 5, 1904, identifying Betsey Tuffamah as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date of this notice within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Betsey Tuffamah as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein. If you fail to file protest within the time allowed, her name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.
Enc. MCR 4984.

1891

No.

4984

For Identification as a Mississippi Choctaw.

Seale, Miss.

Date

MAR 12 1902

Name

Betsy Tuffamah

Age

60

Blood

full

Post Office,

Trapp, Miss.

Father:

dont know

d

Mother:

"

"

d

Claims through

Children:

Stenographer

R. S. Strick

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

F I T T S

MAY 20 1804

[Handwritten signature]

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Department of the Interior.

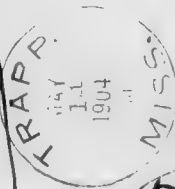
Commission to the Five Civilized Tribes,

MUSKOCÉE, IND. TER.



Betsy Tuffamah,

Trapp, Mississippi. MAY 19 1904



Reg. No. 39

MAY 6 1904
REGISTERED

Refused
Returned to Sender

12-5-03

Choctaw MCR 4985

Tom Tuffamah

MCR 4985

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-cOo-

In the matter of the application for the identification of
Tom Tuffamah, et al., as Mississippi Choctaws.

-cOo-

Herein is the record in the matter of the application for
the identification of Tom Tuffamah, et al., as Mississippi
Choctaws, M.C.R. 4985.

-cOo-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-cOo-

In the matter of the application for the identification of
Tom Tuffamah, et al., as Mississippi Choctaws, M.C.R. 4985.

--: I N D E X :--

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Decision of the Commission identifying Tom Tuffamah, et al., as Mississippi Choctaws-----	3

-cOo-

499 4906 full 4985

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, March 12, 1902.

In the matter of the application of Tom Tuffamah for the identification of himself; his wife, Sallie, as Mississippi Choctaws, represented by Will Jimmy.

Will Jimmy, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Will Jimmy.
Q How old are you? A Twenty five.
Q What's your post office address? A Franks,
Q Have you lived in Neshoba County all your life? A Yes, sir.
Q Are you a full blood Choctaw? A Yes, sir.
Q What is your occupation at this time? A I am working for the Commission to the Five Civilized Tribes in the capacity of teamster.
Q Are you acquainted with a man by the name of Tom Tuffamah? A Yes, sir.
Q How much Choctaw blood has he? A He is a full blood.
Q How long have you known him? A Been knowing him all my life.
Q How far do you live from him? A I live about seven miles from him.
Q How old a man is Tom? A He is about thirty five years old.
Q What's his post office address? A Trapp.
Q Has he lived in Neshoba County all his life? A Yes.
Q Is his father living? A No, sir.
Q What was his name? A Peter Tuffamah.
Q Was he a full blood Choctaw? A Yes, sir.
Q Did he live in this State all his life? A Yes.
Q About how old would he be if he were living now? A I expect he would be about seventy years old.
Q Did he have a Choctaw name besides Tuffamah? A I don't know, sir; Peter is all I heard.
Q Do you know the name of his father, or his mother? A No, sir, I don't know.
Q Is Tom's mother living? A Yes, sir.
Q What's her name? A Betsey.
Q Is she a full blood Choctaw? A Yes, sir.
Q Is she the Betsey Tuffamah about whom you have just testified? A Yes, sir.
Q Is Tom married? A Yes, sir.
Q Wife living? A Yes, sir.
Q What's her name? A Sallie.
Q How much Choctaw blood has she? A Full blood.
Q How long has she been married to Tom? A She been married about fifteen years ago.
Q Are they living together now? A Yes, sir.
Q Have they any children living? A No, sir.
Q About how old is Sallie? A She is about thirty five, somewhere along there.

Tom Tuffamah, et al., 2.

- Q Has she lived in this State all her life? A Yes, sir.
Q Is her father living? A No, sir.
Q What was his name? A I don't know, sir; I didn't know her father.
Q Do you know the name of his father, or mother? A No, sir, I don't know.
Q Is Sallie's mother living? A Yes, sir.
Q What's her name? A Bicey.
Q Bicey what? A Bob Jim's wife.
Q Is Bicey a full blood Choctaw? A Yes, sir.
Q Has she a Choctaw name? A No, sir.
Q Is she the Bicey Jim for whom application was made by her husband, Bob Jim, near Sierra, Mississippi, on the 7th day of this month?
A Yes, sir.
Q Do you know the name of Bicey's father or mother? A No, sir, - yes, I know father - old man Isaac.
Q Isaac Lewis? A Yes, sir.
Q Isaac is living isn't he? A Yes, sir.
Q Do you know whether any of the ancestors of Tom Tuffamah, or of his wife, ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I don't know.
Q You understand that 14th article thoroughly? A Yes, sir.
Q Do you know any one who would know? A No, sir, don't know.
Q Are you any relation to either of these persons? A No, sir.

(This application is made in behalf of Tom Tuffamah and his wife, Sallie, by Will Jimmy, a full blood Choctaw, employed by the Commission as Teamster. These people live in the vicinity of Trapp, Mississippi. Representatives of the Commission called at the home of Tom Tuffamah on Friday March 7, 1902, and endeavored to secure from him an application for the identification of himself and his wife as Mississippi Choctaws, but such efforts availed nothing. He has never made any application of any kind to the Commission and signifies his intention never to do so. He and his wife have the appearance of being full blood Indians; they speak and understand the Choctaw language and very little English.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 12th day of March, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Seale, Mississippi, this 1st day of April, 1902.

R. S. Streit
L. B. Mosley
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Tom Tuffamah, et al., as Mississippi Choctaws, M.C.R. 4985.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
on March 12, 1902, by Will Jimmy for Tom Tuffamah and his wife,
Sallie Tuffamah, under the following provision of the act of Con-
gress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
states and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

From the evidence submitted in support of said application
it appears that both of the applicants are full-blood Mississippi
Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act
to ratify and confirm an agreement with the Choctaw and Chickasaw
tribes of Indians, and for other purposes," approved July 1, 1902,
(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations
September 25, 1902, provides as follows:

--2--

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country, prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaw so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Tom Tuffamah and Sallie Tuffamah should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

Jul 16 1904

MERIDIAN, MISSISSIPPI, October 2, 1903.

Tom Tuffamah,

Trapp, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on March 12, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so, when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 A. M. and 6 P. M.

Very respectfully,

No. 80
M C R 4985.

Special Agent.

Meridian, Mississippi, November 27, 1903.

Tom Tuffamah,

Trapp, Mississippi.

Dear Sir-

Under date of October 2, 1903, the following letter was written to you:

It appears from the records of the Commission that on March 12, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim, it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

File 80.

Special Agent.

M.C.R. 4985

COPY.

Muskogee, Indian Territory, July 16, 1904.

Tom Tuffamah,

Trapp, Mississippi,

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying you, and your wife Sallie Tuffamah, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

Under the provisions of the law above cited, in order for you to avail yourselves of the benefits of such identification, you must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before January 16, 1905, and must make proof of such removal and settlement on or before July 16, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

Tame Dixby.

Chairman.

Registered.

enc. M.C.R. 4985

M.C.R. 4985

COPY.

Muskogee, Indian Territory, July 16, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 16, 1904, identifying Tom Tuffamah and his wife Sallie Tuffamah, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said applicants as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If at the expiration of said time no protest has been filed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission

Respectfully,

(SIGNED)

James Dixby.

Chairman.

Registered.
Incl. M.C.R. 4985.

See M.C.R. 6507 for registry receipt for this letter.

1892

No. 4985

For Identification as a Mississippi Choctaw.

Seale, Miss.

Date

Name

Tom Tuffamah

Age

35

Blood

full

Post Office,

Trapp, Miss.

Father:

Peter Tuffamah

d

Mother:

Betsey

"

L

Claims through

Wife

Sallie Tuffamah (full) 35

Father

don't know

d

Mother

Bicey Jim

L

Children:

Stenographer

R. S. Streit

Choctaw MCR 4986

Fingley Jim

See MCR 4906

MCR 4986

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-cOo-

In the matter of the application for the identification of
Fingley Jim, et al., as Mississippi Choctaws.

-cOo-

Herein is the record in the matter of the application for
the identification of Fingley Jim, et al., as Mississippi
Choctaws, M.C.R. 4986.

-cOo-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Fingley Jim, et al., as Mississippi Choctaws, M.C.R. 4986.

--: I N D E X :--

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Decision of the Commission identifying Fingley Jim, et al., as Mississippi Choctaws-----	6

-oOo-

4986

Will Jimmy

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, March 12th, 1902.

In the matter of the application of Fingley Jim for the identification of himself, his wife, Jane, and three minor children Chaney Sannie, Becky, Lysander, and grand child, May Alice Young, as Mississippi Choctaws, represented by Will Jimmy.

Will Jimmy, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Will Jimmy.
Q How old are you? A Twenty five.
Q What's your post office address? A Franks.
Q Have you lived in Neshoba County all your life? A Yes, sir.
Q Are you a full blood Choctaw? A Yes, sir.
Q What is your occupation at this time? A I am working for the Commission to the Five Civilized Tribes in the capacity of teamster.
Q Are you acquainted with a man by the name of Fingley Jim? A Yes, sir.
Q Has he any Choctaw blood? A Yes, sir, a full blood.
Q How long have you known him? A Been knowing him long time; as long as I can remember.
Q Does he live near you? A Yes, about a mile from me.
Q Has he always lived in Neshoba County? A Yes, sir.
Q About how old a man is he? A He is about fifty.
Q What's his post office address? A Hope.
Q Is his father living? A No, sir.
Q What was his name? A I don't know, sir.
Q Is Fingley's mother living? A No, sir.
Q What was her name? A I don't know; she's dead long time before I remember.
Q Do you know the name of any one of Fingley's grand parents? A No, sir.
Q Is Fingley married? A Yes, sir.
Q Is his wife living? A Yes, sir.
Q What's her name? A Jane.
Q Is she a full blood Choctaw? A Yes, sir.
Q Has she always lived in Neshoba County? A Yes, sir.
Q About how old is she? A She's about forty five or fifty, I guess.
Q Has she a Choctaw name? A No, sir.
Q Has Fingley a Choctaw name? A Yes, sir, - Oh! no, sir.
Q Has he a Choctaw name too? A No, sir.
Q Do you know the name of Jane's father? A No, sir, don't know.
Q Is he living? A No, sir.
Q Is Jane's mother living? A No, sir.
Q What was her name? A I don't know, sir.
Q Do you know the name of any of Jane's grand parents? A No, sir.
Q How long have Fingley and Jane been living together, do you know?
A Yes, been living together about thirty years, I expect.
Q Were either of them married before their marriage? A No, sir.

Fingley Jim, et al., 2.

- Q Have they any children living who are under age and unmarried?
A They have four.
Q What are their names and ages? A Chaney, a girl about twenty/
Sannie, a girl about eighteen? A Yes, sir.
Q Becky, a girl about seventeen? A Yes, sir.
Q Lysander, is that right? A Yes, sir.
Q A boy about sixteen? A Yes, sir.
Q Are these four children living with him now? A Yes, sir.
Q Are they all the children of Fingley and Jane? A Yes, sir.
Q Have they any other children living with him? A Yes, sir, May
Alice Young, their grand child, is living with him.
Q How old is May Alice? A About ten, I expect.
Q Is she a full blood Choctaw? A Yes, sir.
Q Has she always lived in Neshoba County? A Yes, sir.
Q Is her father living? A No, sir.
Q What was his name? A Green Young.
Q Was he a full blood Choctaw? A Yes, sir.
Q How long has he been dead? A He has been dead about eight years.
Q About how old was he when he died? A He was about thirty.
Q Do you know the name of his father? A Billy
Billy what? A Billy Young.
Q Did you ever see him? A No, sir, not that I remember.
Q Was he a full blood Choctaw? A Yes, sir.
Q Do you know the name of Green's mother? A No, sir, she died way
back before I remember.
Q Did Green's folks always live here in Mississippi? A Yes, sir.
Q Is May Alice's mother living? A No, sir.
Q Was her name? A Mafie.
Q Was she a full blood? A Yes, sir.
Q Was she a daughter of Fingley and Jane Jim? A No, sir, she was a
daughter of Jane, but wasn't Fingley's girl.
Q She was born before Jane married Fingley? A Yes, sir.
Q Do you know who her father was? A No, sir, I don't know.
Q You are sure Mafie was a full blood Choctaw? A Yes, sir.
Q How long has May Alice lived with Fingley and Jane? A She has
lived with them about three years.
Q How long has Mafie been dead? A About three years.
Q That's all the children they have living with them now? A They
have two boys, but they don't live with them.
Q They are of age? A Yes, sir.
Q Do you know whether any application of any description has ever
been made to the Commission for Fingley Jim, or his wife, or any
of these children whose names you have given? A No, sir, I don't
know.
Q Well, what's been your understanding as to whether Fingley had b
been inclined to give in his name? A He has always refused to have
anything to do with the Commission.
Q Have you, within the last few days, called upon Fingley and
notified him of the presence of the Commission at Philadelphia, and
endeavored to get him to appear before us? A Yes, sir.
Q When did you see him last? A Friday the 7th of this month. I
went to his house under the direction of the Commission, and endeav-
ored to have him meet representatives of the Commission at Trapp,
but he refused to do so.
Q Do you know whether any of the ancestors of Fingley, or his wife,
Jane, or of Mafie Young, ever complied or attempted to comply with
the provisions of the 14th article of the treaty of Dancing Rabbit

Fingley Jim, et al., 3.

Creek, or ever received any benefits thereunder? A No, sir, don't know.

Q You are familiar with that 14th article? A Yes, sir.

Q Do you know whether any of them ever got any land or money from the Government? A No, sir.

Q So far as you know, all of the ancestors of these people have always lived here in Mississippi, have they? A Yes, sir.

Q Has Fingley any brothers living? A Yes.

Q How many? A Two.

Q What are their names? A Bob Jim and Columbus Jim, or Cun-on-tubbee; both of them have made application to the Commission within the past ten days.

Q Has Jane any brothers or sisters living? A Yes, sir, she's got one brother living.

Q What's his name? A Wesley Billy.

Q Has he ever made any application to the Commission? A No, sir, I don't think he has.

Q Where does he live? A He lives near Trapp, Mississippi.

Q Are any of Green Young's brothers or sisters living? A Yes, sir.

Q How many? A Dixon Isaac's wife, Lucy, is his sister.

Q Is that all? A Yes, sir.

(This application is made in behalf of Fingley Jim, his wife and minor children and one minor orphan grand child by Will Jimmy, a full blood Choctaw employed by the Commission as teamster. Jimmy bears the reputation of being a thoroughly reliable and trust-worthy Indian. While the Commission was in session at Franks, Neshoba County, Mississippi, notice was given to this man, Fingley Jim, of our presence at that place, but he refused to make any application. He has always refused to have anything whatever to do with the Commission. From the testimony of Will Jimmy and other information received by the Commission, there can be no doubt that Fingley Jim and his family are full blood Choctaw Indians.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 12th day of March, 1902, at Seale, Mississippi, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Seale, Mississippi, this 1st day of April, 1902.

R. S. Streit
L. B. Mosley
Clerk U. S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Dixon, Mississippi, March 25, 1903.

In the matter of the application for the identification of
Jennie Jim, et al., as Mississippi Choctaws.

(The name of this applicant appears on Mississippi Choctaw
card Field No. 4986 as Chaney Jim)

Ike Moses, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Ike Moses.
Q What is your age? A Thirty-five.
Q What is your postoffice address? A Trapp.
Q You desire to give some testimony in regard to a Choctaw Indian
woman named Jennie Jim? A Yes.
Q Has she ever made an application before the Commission for
identification as a Mississippi Choctaw? A No sir.
Q How much Choctaw blood has she? A Full blood.
Q How old is she? A I can't tell exactly, about 22 or 23.
Q What is her postoffice address? A Dixon.
Q She lives with Fingley Jim? A Yes.
Q What is the name of her father? A Fingley Jim.
Q Is he living? A Yes sir.
Q Full blood? A Yes sir, full blood Choctaw.
Q What is the name of her mother? A Jane Jim.
Q Living? A Yes sir.
Q Full blood Choctaw? A Yes sir, full blood Choctaw.
Q Is she a sister of Jim Fingley and John Ice whose applications
were given in this morning? A Yes sir.
Q How long have you known her? A Been knowing her about thirteen
or fourteen years ago--may be longer than that.
Q She has all the appearance of being a full blood Choctaw, has
she? A Yes sir.
Q Can she speak the Choctaw language? A Yes sir/
Q Has she a Choctaw Indian name? A I don't know about that.
Q The only name you have ever heard her go by is Jennie Jim?
A Yes.
Q Is she married? A No sir.
Q Has she any children? A I think she's got two--one girl got
two and one girl got one.
Q Jennie Jim you think has two children, though she has never been
married? A Yes.
Q Do you know the names of these children? A No sir.
Q Do you know whether they are girls or boys? A I don't know.
Q Do you know who the father of these children is supposed to
be? A No sir, I don't know.
Q This is all you know in regard to Jennie Jim, is it? A Yes, that
all I know.


Ira S. Niles, being first duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he reported in full

Jennie Jim, et al.-2

all proceedings had in the above entitled cause, heard at Dixon, Mississippi, March 25, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 25 day of April, 1903.


Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Dixon, Mississippi, March 25, 1903.

Additional testimony in the matter of the application for the identification of Fingley Jim, et al., as Mississippi Choctaws.

Isaac Lewis, being first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Isaac Lewis.
Q What is your age? A Next October will be about eighty.
Q What is your postoffice address? A Dixon.
Q Are you a Choctaw Indian? A Yes.
Q How much? A Full blood.
Q Have you ever made an application for identification as a Mississippi Choctaw to the Commission? A Yes sir.
Q Have you been identified as a Mississippi Choctaw? A Yes.
Q You have received your notice, or have you, from the Commission to the Five Civilized Tribes that you have been identified? A Yes.
Q Do you want to give testimony in regard to a Choctaw Indian named Fingley Jim? A Yes.
Q Has Fingley Jim ever made an application to the Commission to the Five Civilized Tribes to be identified as a Mississippi Choctaw?
A No.
Q How old is Fingley Jim? A About fifty.
Q How much Choctaw blood has he? A Full blood.
Q What is the name of Fingley Jim's father? A Im-ish-tubbee.
Q Has Fingley Jim a Choctaw name? A Fingley is all I know.
Q Is Im-ish-tubbee dead? A Yes, dead long ago.
Q Was he a full blood Choctaw? A Yes.
Q What was the name of Fingley Jim's mother? A Her name Meeley.
Q Did she have any other name? A Meeley Billey--call him Cutlip.
Q Is she dead or living? A Dead.
Q Was she a full blood Choctaw? A Yes.
Q Did you know Im-ish-tubbee and Meeley Cutlip before Fingley was born? A I didn't know Meeley Cutlip until after Fingley was born.
Q How ~~long~~ old was Fingley Jim when you first became acquainted with him? A About six years.
Q Have you always heard through all that time that Fingley Jim was a full blood Choctaw? A Yes sir, full blood.
Q You never heard anyone say that he was not a full blood?
A No sir.
Q Can Fingley Jim speak the Choctaw language? A Yes.
Q Is Fingley Jim married? A Yes.
Q What is his wife's name? A Jane Jim.
Q About how old is she? A I think she is older than Fingley.
Q Do you know how much? A Don't know, about fifty five.
Q Do you know the name of Jane's mother? A Ah-be-ha-tah.
Q Has he an English name? A No, that's Choctaw name.
Q Has he an English name? A Yes, Billey.
Q What is the name of Jane's mother? A Sookie.

Fingley Jim, et al.-2

- Q Now, Ah-be-ha-tah and Sookie are both dead? A Yes.
- Q Were they both full blood Choctaws? A Yes.
- Q And Jane Jim is a full blood? A Yes.
- Q Do you know whether Fingley Jim has any young children that are not 21 years of age yet who are not married? A Yes, Choacey Jim.
- Q Is that a boy or girl? A A girl.
- Q About how old? A Don't know exactly.
- Q Is she living with Fingley Jim? A Yes.
- Q Is she married? A No.
- Q Give the name of another child of Fingley Jim? A Beckey Jim.
- Q Do you know how old she is? A I don't know.
- Q Is Beckey married? A No sir.
- Q Does she live with her father and mother? A Yes.
- Q Has she any children? A No sir, I don't think so.
- Q Has Choacey any children? A Got one boy I think.
- Q What is that boy's name? A I don't know.
- Q This Choacey has one boy but you don't know the name? A Yes, don't know the name.
- Q How old is that boy? A About three years old.
- Q Have you seen that boy with Choacey? A Yes.
- Q Do you know the father of this boy? A I don't know.
- Q Does that boy look like its a full blood? A Yes, a full blood.
- Q How often have you seen that boy? A About three times since he was born.
- Q Were you present at Fingley's house when that child was born? A Yes.
- Q You know that is Choacey's child? A Yes.
- Q What is the name of the next child? A I know its a boy but can't think of his name but I think they call him Sanders.
- Q Do you know about how old he is? A About thirteen years old.
- Q Do you remember the names of any other children of Fingley's? A I know two boys.
- Q What are their names? A Jim Fingley.
- Q Is he grown or is he a minor? A He's grown.
- Q The other boy that you mention--what is his name? A John Fingley, sometimes called John Ice.
- Q Is he grown? A Yes.
- Q Do you know the names of any of the young children that are not grown? A No sir, I don't know.
- Q About how many children has Fingley who live at his house? A About twelve.
- Q Are these all the names of those twelve that you can remember now? A That's all I can remember.
- Q About how many of those twelve are grown? A All the girls are grown.
- Q How many girls are grown? A Four grown--one of them married.
- Q Do you remember the names of these four girls? A No sir.
- Q How many boys have Fingley? A Three.
- Q Three grown boys? A Two grown and one aint grown.
- Q Fingley then has seven children of his own, has he? A Yes.
- Q And the other five children--whose are they? A I don't know.
- Q They live there with Fingley? A Yes.
- Q Are these children that you have given the names of, Choacey, Beckey and Sanders, the children of Fingley Jim and his wife Jane? A Yes.
- Q They are full blood Choctaws? A Yes.
- Q And live with Fingley Jim? A Yes.

Fingley Jim, et al.-3

Q Can they all speak Choctaw? A Yes, that's all they can speak.

Ike Moses, being first duly sworn, upon his oath testified as follows:

Examination by the Commission.

Q What is your name? A Ike Moses.
Q What is your age? A Thirty-five.
Q What is your postoffice address? A Trapp.
Q You are acquainted with a Choctaw Indian named Fingley Jim, are you not? A Yes.
Q The same one testified to by Isaac Lewis? A Yes.
Q Are you acquainted with his wife, Jane Jim? A Yes.
Q Do you know if they are both full blood Choctaw Indians? A Yes.
Q Are you acquainted with their children? A Yes, not all of them, but some of his boys.
Q Give the names of his children and their ages as nearly as you can do so? A The oldest one I think died.
Q Next one? A Jim Fingley.
Q About how old is he? A About twenty-five I expect.
Q The next one? A John Ice.
Q Does he also go by the name of Fingley? A Yes sir.
Q About how old is he? A About twenty-two.
Q The next one? A They girls--I don't know which is the oldest.
Q Give me the name of one of them? A Choacey.
Q About how old is she? A She's about eighteen or nineteen.
Q Is Jim Fingley married? A No sir.
Q Is John Ice married? A No sir.
Q Have either of them any children? A No sir.
Q Has Choacey? A She's not married but she's got one boy I think.
Q Do you know the name of that boy? A No sir.
Q Do you know the father of that boy? A No sir.
Q Have you ever seen the boy? A No sir.
Q Do you know how old it is? A No sir, I don't--about three years I expect--I heard when it was born.
Q That was about three years ago? A Yes.
Q Do you know whether that boy is a full blood Choctaw? A I think he is a full blood Choctaw.
Q You have heard that? A Yes sir.
Q Give the name of another child of Fingley's? A Beckey Jim.
Q How old is Beckey? A I don't know--about fourteen or fifteen--somewheres along there.
Q Beckey is not married? A No sir.
Q Has she any children? A No sir.
Q Give the name of the next child? A Sanders.
Q How old is Sanders? A About thirteen I expect.
Q Give the name of the next one? A Jennie.
Q How old is Jennie? A I don't know which is the oldest.
Q Is Jennie grown? A Yes sir.
Q Is Jennie as old as Jim Fingley? A No sir, I think Jim is the oldest.
Q Is Jennie as old as John Ice? A John Ice is the oldest.

Q Does Jennie come in between John Ice and Choacey? A I guess so.
Q She ought to be about twenty years old, then? A Yes.
Q Do you know if she is that old? A Maybe so.
Q Has she any children, Jennie? A I don't know, but I know two of Fingley's girls got children, but I don't know which is the oldest and which has got two.
Q Are there any other children of Fingley's that you remember the names of? A That's all I remember, I think.
Q Are there any other children living at Fingley's? A Yes, I know of two girls named Yearby.
Q What is the name of the oldest one? A Wissie.
Q About how old is Wissie? A About six I expect.
Q What is the name of the next one? A Lucine.
Q About how old is Lucine? A About five I expect.
Q What is the name of the father of these two children? A Yearby.
Q Do you know his full name? A I just call him Yearby--I don't know his other name.
Q Is he living or dead? A Dead.
Q When did he die? A About two years ago.
Q About how old was he when he died? A About forty-five.
Q Was he a Choctaw? A Full blood.
Q What is the name of the mother of these children? A Lahmi.
Q That is a Choctaw name? A Yes.
Q Is she living or dead? A Dead.
Q Was she a Choctaw? A Full blood.
Q When did she die? A About five years ago.
Q About how old was she when she died? A About twenty-five.
Q Do you know the father of Yearby? A No sir.
Q Do you know his mother? A No sir.
Q Do you know the father of Lahmi? A Yes sir.
Q What is his name? A Fingley Jim.
Q Do you know the mother of Lahmi? A Jane.
Q Then Wissie and Lucine Yearby are the grandchildren of Fingley and Jane Jim? A Yes.
Q And they live with him? A Yes.
Q Do you know the names of any other children that live at Fingley's? A No sir.
Q About how many children live there, do you know? A I counted last night fourteen I think, but I don't know the names of the little ones.
Q How do you know they are full bloods, Fingley and all his family? A They can only talk Choctaw.
Q Do they all look like Choctaws? A Yes, they all full blood Choctaws.
Q Have you ever talked with Fingley or his wife or any of his boys or girls in regard to making an application to the Commission to the Five Civilized Tribes for identification? A No sir, never talk to him.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Dixon, Mississippi, March 25, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this 12th day of April, 1903.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Fingley Jim, et al., as Mississippi Choctaws, M.C.R. 4986.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on March 12, 1902, by Will Jimmy for Fingley Jim, his wife, Jane Jim, his four minor children, Chaney, Sannie, Becky and Lysander Jim, and his minor grand-child, May Alice Young, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw

(2)


tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Fingley Jim, Jane Jim, Chaney Jim, Sannie Jim, Becky Jim, Lysander Jim and May Alice Young should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner

Commissioner.

Muskogee, Indian Territory,

MAY -

MERIDIAN, MISSISSIPPI, October 5, 1903.

Fingley Jim,

Hope, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on March 12, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 AM and 6 PM.

very respectfully,

No. 101--M C R 4986.

Special Agent.

Meridian, Mississippi, November 30, 1903.

Fingley Jim,

Hope, Mississippi.

Dear Sir-

Under date of October 5, 1903, the following letter was written to you:

It appears from the records of the Commission that on March 12, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim, it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

File 101.

Special Agent.

M.C.R. 4986

Muskogee, Indian Territory, May 5, 1904.

Fingley Jim,

Hope, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 5, 1904, identifying you, your wife Jane Jim, your children Chaney Jim, Sannie Jim, Becky Jim and Lysander Jim, and your grand-child May Alice Young, as Mississippi Choctaws, under Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, in order to avail yourselves of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

SIGNED

Wm. Bixby

Chairman.

Registered.

Enc. MCR 4986.

Muskogee, Indian Territory, May 5, 1904.

Will Jimmy,

Franks, Mississippi,

Dear Sir:

You are hereby advised that the Commission to the Five Civilized Tribes, on May 5, 1904, rendered its decision identifying Fingley Jim, his wife Jane Jim, children Chaney Jim, Sannie Jim, Becky Jim and Lysander Jim, and grand-child May Alice Young, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, the persons so identified, in order to avail themselves of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Very

W. A. Pixby.
Chairman.

M.C.R. 4986

Muskogee, Indian Territory, May 5, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 5, 1904, identifying Fingley Jim, his wife Jane Jim, children Chaney Jim, Sannie Jim, Becky Jim, and Lysander Jim, and grand-child May Alice Young, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Fingley Jim, wife, children and grand-child as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file protest within the time allowed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED

Registered.
Enc. MCR 4986.

Wm. Bixby
Chairman.

No.

4986

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date March 20 1888

Name

Jennie Jim

Age

22 or 3

Blood

full

Post Office,

Rixon Mass

Father:

Finley Jim L. J.

Mother:

Jane Jim L. J.

Claims through

J. & M.

Children:

Two children whose
name are unknown
name of father also
unknown. Applicant
never married.

Information given by
Ike Moss

Stenographer

Edw. J. [illegible]

#14-2

No. 4986

For Identification as a Mississippi Choctaw.

Seale, Miss.
Date

MAR 12 1902

Name Singley Jim.
Age 50 Blood full

Post Office, Hope, Miss.

Father: dont know

Mother: " "

Claims through
wife.

Father Jane Jim (full) 50
Mother dont know

Claim: for self and 4 children
and one minor nephew and child

Children:

Chaney	Jim	(F)	20
Sannie	"	(F)	18
Becky	"	(F)	17
Lyander	"	(M)	16

May Alice	Yours g'	(Full)	10
Father	Green Yours g'	"	
Mother	Mafie	"	

Stenographer

R. S. Street

No.

4986

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date March 25th 1903

Name Finney Jim

Age 50

Blood full

Post Office. Dixon Miss

Father: In-is-tubee d. f.

Mother: Macey Cutlip or Billy d. f.

Claims through father & mother

Wife: Jane Ann 55. C. full
 Father (sh-be-ha-tah) Billy d. f.
 Mother Sookie d. f.

Children.

(Cho-reey (girl) don't know age
 Kasa (boy don't know name)
 Beckey "

Sandra 13

grand children:-

Wissie Yearby 6

Lucine Yearby 5

Information given by Isaac

Lewis interpreted by Ike Moses

Testimony as to grand children
 given by Ike Moses

Stenographer

Gra S miles

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 18 1904

A handwritten signature in dark ink, appearing to be 'T. S. C.', is written over the date stamp.

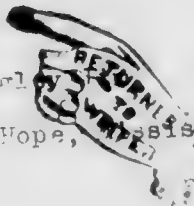
CHAIRMAN.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

The Indians addressed
will not take the
letter out, say he will
not have it.

Returned to
writer.

72
Finally
hope, Mississippi.



17 1904

Choctaw MCR 4987

Jimmy Jim

See MCR 4906

MCR 4987

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-cOo-

In the matter of the application for the identification of
Jimmy Jim as a Mississippi Choctaw.

-cOo-

Herein is the record in the matter of the application for
the identification of Jimmy Jim as a Mississippi Choctaw.

M.C.R. 4987.

-cOo-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Jimmy Jim as a Mississippi Choctaw, M.C.R. 4987.

--: I N D E X :--

	(Page)
Original application of Jimmy Jim to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Testimony of Ike Lewis-----	3
Decision of the Commission identifying Jimmy Jim as a Mississippi Choctaw-----	4

-oOo-

full

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, March 12, 1902.

In the matter of the application of Jimmy Jim for identification as a Mississippi Choctaw, represented by Will Jimmy.

Will Jimmy, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Will Jimmy.
Q How old are you? A Twenty five.
Q What's your post office address? A Franks.
Q Have you lived in Neshoba County all your life? A Yes, sir.
Q Are you a full blood Choctaw? A Yes, sir.
Q Are you acquainted with a man by the name of Jimmy Jim? A Yes, sir.
Q Has he any Choctaw blood? A Yes, sir, full blood.
Q Where does he live? A He lives right near Hope, Neshoba County, Mississippi.
Q Hope's his post office? A Yes, sir.
Q About how old a man is he? A About twenty seven.
Q How long have you known him? A Been knowing him all my life.
Q Is he any relation to you? A No, sir.
Q His father living? A Yes, sir.
Q What's his name? A Fingley Jim.
Q Is he a full blood Choctaw? A Yes, sir.
Q Is he the Fingley Jim with reference to whom you have just testified? A Yes, sir.
Q Is Jimmy Jim's mother living? A Yes, sir.
Q What's her name? A Jane.
Q Is she a full blood Choctaw? A Yes, sir.
Q Is Jimmy married? A No, sir.
Q Was he ever married? A No, sir.
Q Does he live with his father? A Yes, sir.

(Reference is hereby made to the testimony of Will Jimmy in behalf of Fingley Jim, the father of this applicant, taken at Seale, Mississippi, this date. This application is made in behalf of Jimmy Jim by Will Jimmy, a full blood Choctaw living in the employ of the Commission as teamster. This applicant, Jimmy Jim, is undoubtedly aware of the presence of the Commission within a few miles of his home, while at Franks, Mississippi and at Philadelphia, Mississippi, but he has failed to make application. From the testimony of Will Jimmy, and other information received by the Commission, there can be no doubt that he is a full blood Choctaw Indian.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized

Jimmy Jim, et al., 2.

Tribes, he reported in full all proceedings had in the above entitled cause at Seale, Mississippi, ~~this~~ on the 12th day of March, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. A. Strait

Subscribed and sworn to before me at Seale, Mississippi, this 1st day of April, 1902.

L. B. Mosley

Clerk U. S. Circuit Court,
Southern District of Mississippi,

By

John

Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Dixon, Mississippi, March 25, 1903.

Additional testimony in the matter of the application for the identification of Jim Fingley as a Mississippi Choctaw.

(Said Jim Fingley is the identical person whose name appears on Mississippi Choctaw card field No.4987 as Jimmy Jim)

Isaac Lewis, being first duly sworn, through Ike Moses official interpreter, testified as follows:

Examination by the Commission.

Q What is your name? A Isaac Lewis.
Q What is your age? A About eighty.
Q What is your postoffice address? A Dixon.
Q Do you want to give testimony in regard to a Choctaw Indian named Jim Fingley? A Yes.
Q Has Jim Fingley ever made application to the Commission to the Five Civilized Tribes for identification as a Mississippi Choctaw? A No sir, he has not.
Q How much Choctaw blood has Jim Fingley? A Full blood.
Q What is his postoffice address? A Dixon.
Q How old is he? A Over twenty--may be thirty--I know he's over twenty.
Q What is the name of Jim Fingley's father? A Fingley Jim.
Q Is he living? A Yes.
Q Choctaw? A Yes, full blood Choctaw.
Q What is the name of Jim Fingley's mother? A Jane Jim.
Q She is living, is she? A Yes.
Q Is she a Choctaw? A Yes, full blood.
Q Are Fingley Jim and Jane Jim, who are the parents of Jim Fingley, the same persons that you testified about a while ago? A Yes sir.
Q Is Jim Fingley married? A No, he hasn't got any wife.
Q Any children? A No.
Q Can he speak Choctaw? A Yes.
Q Can he speak English? A Yes.
Q Have you ever had any conversation with Jim Fingley in regard to making an application to the Commission to the Five Civilized Tribes? A No sir.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Dixon, Mississippi, March 25, 1903, and that the above and foregoing is a full true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles
Subscribed and sworn to before me this the 22 day of April, 1903.

Charles H. Sawyer

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Jimmy Jim as a Mississippi Choctaw, M.C.R. 4987.

---: D E C I S I O N :---

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission on March 12, 1902, by Will Jimmy for Jimmy Jim, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicant herein is a full-blood Mississippi Choctaw Indian.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians and for other purposes," approved July 1, 1902,

(2)


(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

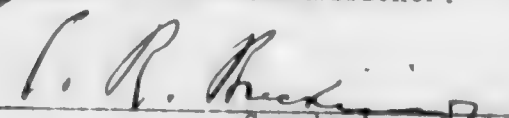
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaws Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Jimmy Jim should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

Commissioner.

MAY -5 1904

MERIDIAN, MISSISSIPPI, October 5, 1903.

Jimmy Jim,

Dixon, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on March 25, 1903, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, stating whether or not you desire, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 AM and _ PM.

Very respectfully,

Special Agent.

No. 100---MC R 4987.

Meridian, Mississippi, November 28, 1903.

Jimmy Jim,

Dixon, Mississippi.

Dear Sir-

Under date of October 5, 1903, the following letter was written to you:

It appears from the records of the Commission that on March 25, 1903, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim, it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

File 100.

Special Agent.

M.C.R. 4987

Muskogee, Indian Territory, May 5, 1904.

Jimmy Jim,

Hope, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 5th, 1904, identifying you as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5th, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,
(SIGNED)

Wm. Bixby.

Chairman.

Registered.

Enc. MCR 4987.

Muskogee, Indian Territory, May 5, 1904.

Will Jimmy,

Franks, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 5, 1904, rendered its decision identifying Jimmy Jim as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, the person so identified, in order to avail himself of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

John T. ...

Chairman.

M.C.R. 4987

Muskogee, Indian Territory, May 5, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 5, 1904, identifying Jimmy Jim as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Jimmy Jim as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein. If you fail to file protest within the time allowed, his name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

John T. ...

Chairman.

Registered.

Enc. MCR 4987.

No.

4987

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date March 20 "1903

Name Jim Fingley

20 or 30

Age

25

Blood

full

Post Office,

Dixon Miss

Father:

Fingley Jim

b. f.

Mother:

Jane Jim

b. f.

Claims through

Children:

Information given by
Isaac Lewis through
the Moses as a Choctaw.

#1894

No. 4987

For Identification as a Mississippi Choctaw.

Seale, Miss.

Date

MAR 12 1902

Name

Jimmy Jim

Age

27

Blood

pure

Post Office,

Hope, Miss.

Father:

Fingley Jim

L

Mother:

Jane "

L

Claims through

Children:

Stenographer.

R. S. Street

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 18 1904

A handwritten signature, possibly "H. H. H.", written in dark ink over the stamp.

CHAIRMAN

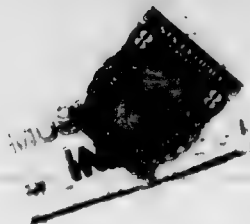
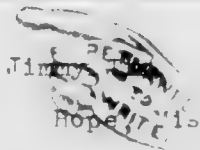
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

12073

Returned - water
will not have it



Choctaw MCR 4988

John Jim

See MCR 4906

MCR 4988

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-cOo-

In the matter of the application for the identification of
John Jim as a Mississippi Choctaw.

-cOo-

Herein is the record in the matter of the application for
the identification of John Jim as a Mississippi Choctaw.

M.C.R. 4988.

-cOo-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
John Jim as a Mississippi Choctaw, M.C.R. 4988.

--: I N D E X :--

	(Page)
Original application of John Jim to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Testimony of Isaac Lewis-----	3
Decision of the Commission identifying John Jim as a Mississippi Choctaw-----	4

-oOo-

4782

filed

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, March 12, 1902.

In the matter of the application of John Jim for identification as a Mississippi Choctaw, represented by Will Jimmy.

Will Jimmy, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Will Jimmy.
Q How old are you? A Twenty five.
Q What's your post office address? A Franks.
Q Have you lived in Neshoba County all your life? A Yes, sir.
Q Are you a full blood Choctaw? A Yes, sir.
Q Are you acquainted with a man by the name of John Jim? A Yes, sir.
Q Has he any Choctaw blood? A Yes, sir, full blood.
Q Where does he live? A He lives right near Hope, Neshoba County, Mississippi.
Q Hope's his post office? A Yes, sir.
Q About how old is he? A About twenty six.
Q How long have you known him? A Been knowing him all my life.
Q Is he any relation to you? A No, sir.
Q Is his father living? A Yes, sir.
Q What's his name? A Fingley Jim.
Q Is he a full blood Choctaw? A Yes, sir.
Q Is he the Fingley Jim with reference to whom you have just testified? A Yes, sir.
Q Is John Jim's mother living? A Yes, sir.
Q What's her name? A Jane.
Q Is she a full blood Choctaw? A Yes, sir.
Q Is John married? A No, sir.
Q Was he ever married? A No, sir.
Q Does he live with his father? A Yes, sir.

(Special reference is hereby made to the testimony of Will Jimmy in behalf of Fingley Jim, the father of this applicant, taken at Seale, Mississippi, this date. This application is made in behalf of John Jim by Will Jimmy a full blood Choctaw in the employ of the Commission as teamster. This applicant, John Jim, has undoubtedly been aware of the presence of the Commission within a few miles of his home while at Franks, Mississippi, and at Philadelphia, Mississippi, but he has failed to make application. From the testimony of Will Jimmy, and other information received by the Commission, there can be no doubt that he is a full blood Choctaw Indian.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized

1

John Jim, 2.

Tribes, he reported in full all proceedings had in the above entitled cause at Seale, Mississippi, on the 12th day of March, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. J. Street
Subscribed and sworn to before me at Seale, Mississippi, this
1st day of April, 1902.

L. B. Mosely
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

M.C.R. 4988

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Dixon, Mississippi, March 25, 1903.

Additional testimony in the matter of the application for the identification of John Ice (or Fingley) as a Mississippi Choctaw.

(John Ice is the identical person whose name appears on Mississippi Choctaw card field No. 4988 as John Jim)

Isaac Lewis, being first duly sworn through Choctaw Interpreter Ike Moses, testified as follows:

Examination by the Commission.

- Q What is your name? A Isaac Lewis.
Q What is your age? A About eighty.
Q What is your postoffice address? A Dixon.
Q Do you want to give testimony in regard to a Choctaw Indian named John Ice (or Fingley)? A Yes.
Q Has he ever made application for identification as a Mississippi Choctaw to the Commission to the Five Civilized Tribes? A No sir.
Q How much Choctaw blood has John Ice? A Full blood.
Q How old is John Ice? A About twenty-two.
Q What is his postoffice address? A Dixon.
Q What is the name of John Ice's father? A Fingley Jim.
Q He is a full blood Choctaw? A Yes.
Q Is he living? A Yes sir.
Q What is the name of John Ice's mother? A Jane.
Q She is a full blood and living? A Yes.
Q The parents of John Ice are the same persons as are the parents of Jim Fingley, are they not, of whom you just testified a moment ago? A Yes.
Q How does John Ice get the name of Ice if he's the child of Fingley Jim and Jane Jim? A Used to call him John Ice--that's the way they used to call him--just name him that way.
Q Some people call him John Ice and some call him John Fingley? A Yes, white people call him John.
Q He's a full brother of Jim Fingley, is he? A Yes.
Q Can he speak Choctaw? A Yes.
Q Does he look like a full blood Choctaw? A Yes sir, full blood.
Q Does he live with his father and mother? A Yes.
Q Is he married? A No.
Q Has he any children? A No.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Dixon, Mississippi, March 25, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 1st day of April, 1903.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
John Jim as a Mississippi Choctaw, M.C.R. 4988.

---: D E C I S I O N :---

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission on March 12, 1902, by Will Jimmy for John Jim, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicant herein is a full-blood Mississippi Choctaw Indian.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations

(2)

September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that John Jim should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

MERIDIAN, MISSISSIPPI, October 8, 1903.

John Jim,

Dixon, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on March 12, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 A. M. and 6 P. M.

Very respectfully,

Special Agent.

No. 99---M C R 4988.

Meridian, Mississippi, November 28, 1903.

John Jim,

Dixon, Mississippi.

Dear Sir-

Under date of October 5, 1903, the following letter was written to you:

It appears from the records of the Commission that on March 12, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim, it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

File 99.

Special Agent.

M.C.R. 4988

COPY.

Muskogee, Indian Territory, May 5, 1904.

John Jim,

Hope, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 5, 1904, identifying you as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, in order to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

Chairman.

Registered.

Enc. MCR 4988.

COPY.

Muskogee, Indian Territory, May 5, 1904.

Will Jimmy,

Franks, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 5, 1904, rendered its decision identifying John Jim as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, the person so identified, in order to avail himself of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

H.C.R. 4988

COPY.

Muskogee, Indian Territory, May 5, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 5, 1904, identifying John Jim as a Mississippi Choctaw under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said John Jim as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein. If you fail to file protest within the time allowed, his name will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Enc. MCR 4988.

#1895

No. 4988

For Identification as a Mississippi Choctaw.

Seale, Miss.

MAR 1 1902

Date

Name

John Jim

Age

26

Blond

free

Post Office,

Hope, Miss

Father:

Fingley Jim

Mother:

Jane

Claims through

Children:

Stenographer

R. S. Street

No.

4988

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date March 25th 1903

Name John Lee or Fingley

Age 22

Blood

full.

Post Office, Dixon Miss

Father: Fingley Jim L. f.

Mother: Jane Jim L. f.

Claims through

f. & m.

Children:

Information furnished by
Isaac Lewis through
Mr. Moses as interpreter

Stereographer

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 18 1901



CHAIRMAN

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



12-74
Returned to
writer does not
want it

John J. [unclear]
[unclear]ope, Mississippi.

117-14

Choctaw MCR 4989

Ben Billey

See MCR 4906

MCR 4989

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-cOo-

In the matter of the application for the identification of
Ben Billey, et al., as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application of
Ben Billey, et al., for identification as Mississippi
Choctaws, H.C.R. 4989.

-oOo-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Ben Billey, et al., as Mississippi Choctaws, M.C.R. 4989.

---: I N D E X :--

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Decision of the Commission identifying Ben Billey, et al., as Mississippi Choctaws-----	4

-oOo-

all free
4989

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, March 12, 1902.

In the matter of the application of Ben Billey for the identification of himself, his wife, Josie, and one minor child, Maria, as Mississippi Choctaws, represented by Will Jimmy.

Will Jimmy, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Will Jimmy.
Q How old are you? A Twenty five.
Q What's your post office address? A Franks.
Q Have you lived in Neshoba County all your life? A Yes, sir.
Q Are you a full blood Choctaw? A Yes, sir.
Q Are you acquainted with a man by the name of Ben Billey? A Yes, sir.
Q How much Choctaw blood has he? A Full blood.
Q About how old a man is he? A He's about thirty years old.
Q How long have you known him? A I have known him all my life.
Q How far do you live from him? A I live about four miles from him.
Q What's his post office address? A North Bend, Mississippi, Neshoba County.
Q Has he lived in this County all his life? A Yes, sir.
Q Is his father living? A No, sir.
Q What was his name? A Billy.
Q Billy what? A Billy Young.
Q When did Billy die? A He's been dead long time - about twenty years.
Q Was he a full blood Choctaw? A Yes.
Q Have a Choctaw name? A I don't know, sir.
Q Do you know the name of his father, or his mother? A No, sir.
Q Is Ben's mother living? A No, sir.
Q What was her name? A I don't know, sir.
Q Never saw her? A No, sir.
Q Did you ever see either of her parents? A No, sir.
Q Do you know their names? A No, sir.
Q Is Ben married? A Yes, sir.
Q Wife living? A Yes, sir.
Q Are they living together? A Yes, sir.
Q Has Ben been married more than once? A No, sir.
Q Has his wife? A No, sir.
Q What's her name? A Josie.
Q Is she a full blood Choctaw? A Yes, sir.
Q About how old is she? A About twenty five.
Q How long have they been married? A They been married about four years.
Q Married under a license or according to the Choctaw custom?
A According to the Choctaw custom.
Q Is Josie's father living? A Yes, sir.
Q What's his name? A Fingley Jim.

Ben Billey, et al., 2.

- Q You have testified in regard to his case this morning? A Yes, sir.
Q Is her mother living? A Yes, sir.
Q What's her name? A Jane.
Q Have Ben and Josie any children? A Yes, sir.
Q How many? A One is all I know.
Q What's that child's name? A I don't remember the name.
Q Isn't it Maria? A I guess so.
Q About how old is that child? A About three years old.
Q She is the child of Billy and Josie? A Yes, sir.
Q Has any application ever been made to the Commission by either of these persons? A No, sir.
Q Have you, under the directions of the Commission, called upon Ben recently for the purpose of having him appear before the Commission? A Yes.
Q When? A Last Friday, the 7th of this month.
Q Did he refuse to appear? A Yes, sir.
Q Are you familiar with the 14th article of the treaty of Dancing Rabbit Creek? A Yes, sir.
Q Do you know whether any of his ancestors ever complied or attempted to comply with the provisions of this 14th article? A No, sir, I don't know.
Q Did any of them ever receive any benefits whatever as Choctaw Indians? A No, sir, not that I know of.
Q Did any of them ever live in Indian Territory, so far as you know? A No, sir.
Q Has Ben any brothers living? A No, sir.
Q Has he any sisters living? A Yes, sir.
Q How many? A One.
Q What's her name? A Lucy Isaac, the wife of Dixon Isaac.

(This application is made in behalf of Ben Billey and his wife and minor child by Will Jimmy, a full blood Choctaw, employed by the Commission as teamster. Jimmy bears the reputation of being a thoroughly reliable and trust-worthy Choctaw. Ben Billy has had due notice of the presence of the Commission within a few miles of his home, but has refused to make an application. So far as our records disclose, no application has ever been made for him, his wife or minor child. From the testimony of Will Jimmy, and other information received by the Commission, there can be no doubt that this man and his wife are full blood Choctaw Indians.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 12th day of March, 1902, at Seale, Mississippi, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Ben Billey, et al., 3.

Subscribed and sworn to before me at Seale, Mississippi, this
1st day of April, 1902.

L. B. Mosley

Clerk U.S. Circuit Court,
Southern District of Mississippi,

By

[Signature]

Deputy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Ben Billey, et al., as Mississippi Choctaws, M.C.R. 4989.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on March 12, 1902, by Will Jimmy for Ben Billey, his wife, Josie Billey, and his minor child, Maria Billey, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902,

(2)

(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether or full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Ben Billey, Josie Billey, and Maria Billey should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

Commissioner.

MAA - 100

Muskogee, Indian Territory, March 30, 1903.

John M. Harrison,

Atoka, Indian Territory.

Receipt is hereby acknowledged of your letter of the 24th instant, in which you ask to be advised "if one Ben Billy, wife and two children were enrolled in Mississippi as Mississippi Choctaws?"

In reply to your letter you are informed that it appears from our records that on March 12, 1902, at Worth, Mississippi, Will Jimmy appeared before this Commission and made application for the identification of Ben Billey, thirty years of age, his wife Josie, twenty-five years of age, and their minor child Maria Billey, three years of age, as Mississippi Choctaws.

If these are the parties concerning whom you make inquiry, you are informed that the Commission has not up to the present time reached any opinion or decision relative to their right to such identification. As soon as a decision is rendered the applicants will be duly notified of the action of the Commission.

Respectfully,

Chairman.

MERIDIAN, MISSISSIPPI, October 5, 1903.

Ben Billey,

North Bend, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on March 12, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 A. M. and 6 P. M.

Very respectfully,

No. 98---MCR 4989

Special Agent.

Meridian, Mississippi, November 26, 1903.

Ben Billey,

North Bend, Mississippi.

Dear Sir-

Under date of October 5, 1903, the following letter was written to you:

It appears from the records of the Commission that on March 12, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim, it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

W.C.R. 4989
COPY.

Muskogee, Indian Territory, May 5, 1904.

Ben Billey,

North Bend, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 5, 1904, identifying you, your wife Josie Billey, and minor child Maria Billey, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat 641).

Under the provisions of the law above cited, in order to avail yourselves of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

Thomas Bixby.
Chairman.

Registered.

Enc. WCR 4989.

Copy.

Muskogee, Indian Territory, May 5, 1904.

John M. Harrison,

Atoka, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 5, 1904, rendered its decision identifying Ben Billey, his wife Jemie Billey, and minor child Maria Billey as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, in order for the parties so identified to avail themselves of the benefits of such identification, they must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

Wm Bixby.

Chairman.

H.C.R. 4989

COPY.

Muskogee, Indian Territory, May 5, 1904.

Will Jimmy,

Franks, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 5, 1904, rendered its decision identifying Ben Billey, his wife Josie Billey, and minor child Maria Billey as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, in order for the persons so identified to avail themselves of the benefits of such identification, they must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

Earns Bixby.

Chairman.

M.C.R. 4989
COPY.

Muskogee, Indian Territory, May 5, 1904.

Nansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 5, 1904, identifying Ben Billey, his wife Josie Billey, and minor child Maria Billey, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Ben Billey, wife and child, as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file protest within the time allowed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Enc. MCR 4989.

1396

No. 4989

For Identification as a Mississippi Choctaw.

State, Miss.

MAR

Date

Name

Ben Pilley

Age

30

Blood

full

Post Office,

North, Miss

Father:

Billy Young

d

Mother:

- don't know -

d

Claims through

wife:

Gosie Pilley (full)

25

Father

Fingley Jim

"

L

Mother

Jane

"

"

L

Forfeiture

Children:

Maria Pilley

(F) 3

Stenographer

A. J. Streit

Choctaw MCR 4990

John Dixon

See MCR 330, 260

MCR 4990

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of John Dixon, et al.,
for identification as Mississippi Choctaws.

---o---

Herein is the record in the matter of the application of
John Dixon, et al., for identification as Mississippi
Choctaws, M.C.R. 4990.

---o---

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of John Dixon, et al.,
for identification as Mississippi Choctaws, M.C.R. 4990.

--: I N D E X :--

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Additional testimony of John Dixon-----	5
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---o---

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Philadelphia, Neshoba Co., Miss.,
Friday February 3rd., 1899.

--o--

In the matter of the application of John Dixon, et al., for
identification as Mississippi Choctaws.

-o-

John Dixon, being first duly sworn, testified as follows:

JOHN DIXON, the applicant, states: I am 31 years old, and
a full blood Choctaw. My wife is a full blood named Emma, 26
years old. We have no children.

(Full Blood)

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, March 12, 1902.

In the matter of the application of John Dixon for the identification of himself, his wife, Manie, and one minor child, Ennie, as Mississippi Choctaws, represented by Will Jimmy.

Will Jimmy, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Will Jimmy.
Q How old are you? A Twenty five.
Q What's your post office address? A Franks.
Q Have you lived in Neshoba County all your life? A Yes, sir.
Q Are you a full blood Choctaw? A Yes, sir.
Q Are you acquainted with a man by the name of John Dixon? A Yes, sir.
Q Has he any Choctaw blood? A Yes, sir, full blood.
Q About how old a man is he? A About thirty years old.
Q Where does he live? A I don't know, sir, where he lives now, but near Union, Newton County.
Q Do you think that would be his post office? A Yes, sir.
Q How long have you known John? A I have known him about ten years.
Q Has he always lived here in Mississippi? A Yes, sir.
Q Did he ever live near you? A Yes, sir, he lived three miles of me a while.
Q Was he living over there about three years ago? A Yes, sir.
Q Is his father living? A No, sir.
Q What was his name? A I don't know his name.
Q Do you know the name of his father's father or mother? A No, sir.
Q Is John's mother living? A I think so, but she didn't live there and I don't know her.
Q Do you know where she lives? A She lives here about Catholic Church some place.
Q Near Tucker? A Yes, sir.
Q Do you know her name? A No, sir.
Q Do you know the name of any one of John's grand parents? A No, sir.
Q Is John married? A Yes, sir.
Q Wife living? A Yes, sir.
Q Do you know what her name is? A Manie.
Q About how old is she? A She's about twenty, I think.
Q Did you ever see her? A No, sir.
Q Do you know whether she's a full blood Choctaw? A I think she's a full blood Choctaw; I know her daddy is.
Q Is her father living? A Yes, sir.
Q What's his name? A Jackson To-nubbee.
Q Where does he live? A He lives close to Union.
Q Is Manie's mother living? A I don't know, sir.
Q Do you know what Manie's mother's name is? A No, sir, I never seen her.
Q How long have John and Manie been married? A Been married about two years.

John Dixon, et al., 2.

- Q Have they any children? A Yes, had one, but it died.
Q Have none now? A No, sir.
Q Do you know the name of Jackson To-nubbee's father or mother?
A No, sir.
Q Were John and Manie married under a license or according to the Choctaw custom? A Choctaw custom, I think.
Q Was Manie ever married before she married John? A No, sir, I don't think she was.
Q Was he married before he married her? A Yes, sir.
Q What was his other wife's name? A Emma Phillip.
Q Is she any relation to you? A Well, she is some kin.
Q Is she living? A No, sir.
Q When did she die? A She's been dead about two years.
Q Was she a full blood Choctaw? A Yes, sir.
Q Did she and John have any children? A Yes, sir, one.
Q Is that child living now? A Yes, sir.
Q What's it's name? A Ennie.
Q Boy or girl? A Boy.
Q With whom does it live? A It lives with John Dixon.
Q Where was it born? A I don't know.
Q Do you know about how old that boy is? A About two years old.
Q You don't know the month this child was born in, do you? A No, sir, I don't know.
Q It is the child of John and Emma? A Yes, sir.
Q And is living now with its father, John Dixon? A Yes, sir.
Q Was Emma, the mother of this child, ~~as~~ a full blood Choctaw?
A Yes, sir.
Q Was John ever married before he married Emma? A I heard he was, but I don't know.
Q Did he have any children by his first wife? A No, sir, I don't know.
Q Do you know what her name was? A No, sir.
Q Do you know whether any application of any description has ever been made before to-day for John, or his wife, or this child? A No, sir, I don't know.
Q Did he ever go by any other name than John Dixon? A No, sir.

The records of the Commission show that on the 31st day of February, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of John Dixon, and his wife, Emma, as Mississippi Choctaws their names appearing upon Mississippi Choctaw Card, Field Number 330; also, upon page 79 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands, in Indian Territory, under the provisions of the Fourteenth Article of the treaty of Dancing Rabbit Creek, being Numbers 1171, and 1172, respectively, thereon.

- Q The records of the Commission further show that on the 31st day of January, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of Jackson To-nubbee, his wife, Sissie, and five children, Manie, Louis, Robert, Murphy and Lottie, as

John Dixon, et al., 3.

Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 260; also, upon page 68 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaws lands, in Indian Territory, under the provisions of the Fourteenth Article of the Treaty of Dancing Rabbit Creek, being Numbers 883, 884, 885, 886, 887, 888 and 889, respectively, thereon.

Q You understand the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes, sir.

Q Did any of the ancestors of John Dixon, or his wife, Manie, or his first wife, Emma, ever comply or attempt to comply with the provisions of this 14th article or ever receive any benefits thereunder? A No, sir, I don't know.

Q Do you know whether any of them ever received any benefits as Choctaw Indians? A No, sir.

Q Whether any of them ever lived in Indian Territory? A No, sir.

Q Do you know any one living who would likely know whether any of their ancestors ever complied with this treaty provision? A No, sir.

(This application is made in behalf of John Dixon, his wife, Manie, and minor child, Emma, by Will Jimmy, a full blood Choctaw employed by the Commission as teamster. When the Commission was in the vicinity of Union, Mississippi, it had no knowledge of the fact that John Dixon had moved from Neshoba County to Newton County, and no effort was made to notify him of the presence of the Commission in that vicinity. Inasmuch, as the town of Union is so far from the places where the Commission has had appointments in Neshoba County, no effort has been made to notify him especially to appear before us here. From the testimony of Will Jimmy, who bears the reputation of being a thoroughly reliable Choctaw, there can be no doubt that John Dixon is a full blood Choctaw Indian. As to his wife, reference is hereby made to the application of Jackson To-nubbee for identification as a Mississippi Choctaw, Mississippi Choctaw Card, Field Number R-2069.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported all proceedings had in the above cause on the 12th day of March, 1902, and that the foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Seale, Mississippi, this 1st day of April, 1902.

R. S. Streit
L. B. Massey
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]* Deputy.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHOCTAW LAND OFFICE,
Atoka, Indian Territory, November 6, 1903.

M C R 4990.

-:-

In the matter of the application of John Dixon for the enrollment of himself, his wife Manie Dixon and their Ennie Dixon as full blood Mississippi Choctaws.

Additional Testimony of John Dixon, who being duly sworn on oath testifies as follows:

EXAMINATION BY THE COMMISSION

- Q What is your name ? A John Dixon.
Q How old are you ? A I think that I am about thirty four now.
Q What was your post office address when you lived in the state of Mississippi ? A North, Nashoba County, Mississippi.
Q Is your father living ? A No, sir.
Q What was his name ? A Dixon.
Q What was his full name ? A Some people called him Little Dixon.
Q What he a full blood Choctaw ? A Yes, sir.
Q Do you know the name of his father and mother ? A No, sir.
Q What is the name of your mother ? A Nancy.
Q Is she living ? A Yes, sir.
Q Is she a full blood Choctaw ? A Yes, sir.
Q Do you know the names of her father and mother ? A Yes, sir.
Q What was her father's name ? A Big Jack.
Q Was he a full blood Choctaw ? A Yes, sir.
Q What was the name of her mother, your grand mother ? A Her name is Martha.
Q Is she -- was she a full blood Choctaw ? A Yes, sir.
Q Is your mother living ? A Yes, sir.
Q Where does she live now ? A She is now living up here at Kiowa.
Q What is the full name of your mother -- what is her name now ? A Nancy Jackson.
Q Have you any sisters living ? A Yes, sir, two.
Q What are their names ? A Bessie and Patsey Jackson.

Reference is made to Mississippi Choctaw Identified Card No. 609 where the names of Nancy, Bessie and Patsey Jackson, the mother and sisters of this applicant appear as Nos. 1, 2 and 3 on said card, Approved Roll Nos. 1813, 1814 and 1815.

- Q Are Bessie and Patsey your full sisters ? A No, sir, half.
Q You have the same mother, but different fathers ? A Yes, sir.
Q Are you married ? A Yes, sir.
Q What is the name of your wife ? A Manie Dixon.

- Q Are yourself and your wife Manie living together now ? A Yes, sir.
- Q What is the name of Manie's father ? A Jackson Toonubbee.
- Q What is the name of her mother ? A Sissy Tonnubbee.
- Q Are noth of them full blood Choctaw Indians ? A Yes, sir.
- Q Are they both living at the present time ? A Yes, sir.
- Q Where are they living ? A Up at Kiowa, now.
- Q Your wife is a full blood Choctaw is she ? A Yes, sir.
- Q Have you any children ? A Yes, sir, just one little boy.
- Q What is the name of that child ? A Ennie Dixon.
- Q Are you the father of this child ? A Yes, sir.
- Q Is Manie the mother of this child ? A No, sir. Its mother is dead.
- Q She is dead ? A Yes, sir.
- Q What was her name ? A Emma Dixon.
- Q Was she a full blood Choctaw ? A Yes, sir.
- Q What was the name of her father ? A Phillips is all that I know.
- Q Was this Phillips, her father, a full blood Choctaw ? A Yes.
- Q What is the name of Emma's mother ? A I do not know that -- she was living away off from me and I do not know her name -- I was little boy when she died.
- Q To the best of your knowledge was she a full blood Choctaw ? A Yes, sir.
- Q Was your wife, Emma, always considered as a full blood Choctaw ? A Yes, sir.
- Q When did you remove from the state of Mississippi to the Choctaw Nation, Indian Territory ? A Last 15th day of August.
- Q 1903 ? A Yes, sir.
- Q Prior to your removal to the Choctaw Nation, Indian Territory, had you always lived in the state of Mississippi ? A Yes, sir.
- Q Did you ever make any application to the Choctaw tribal authorities to be admitted as a citizen of the Choctaw Nation ? A No, sir, never did.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either, the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory ? A No, sir.
- Q Is this the first personal appearance that you have ever made before any one representing the Commission to the Five Civilized Tribes ? A No, sir; I made one appearance in 1899 at Philadelphia, Mississippi.
- Q At that time was your wife Emma living ? A Yes, sir.
- Q And since that time she has died and you have married your present wife, Manie ? A Yes, sir.
- Q Is this child Ennie now living and living with yourself and wife Manie ? A Yes, sir.
- Q And your present post office address is Kiowa, Indian Territory. A Yes, sir, but I intend to move and Atoka, Indian Territory, will be my post office address.
- Q Did you or your wife, of the ancestors of yourself or your wife ever receive any land from the United States Government under the provisions of the 14th article of the tresty of 1830 ? A Myself and wife have never receive any land from the Government, but I do not know about our ancestors.
- Q Do you know any thing about the Choctaw treaty of 1830 ? A No, sir, I don't.

This tresty, the tresty that I refer to was entered into in the state of Mississippi in the year of 1830 between the United States Government and the Choctaw tribe of Indians and was concluded on the 27th day of September of that year and was afterwards ratified by the Congress of the United States on February 24, 1831. The object of this tresty of the part of the Government was to secure the removal of all the Indians from the country they then occupied in the state of Mississippi and a small portion of the state of Alabama to the new country, West of the Mississippi River, which is now the Choctaw Nation, Indian Territory, this country here, the Choctaw Nation. At the time this tresty was made and before it was signed it became known that a great may of the Choctaws did not want to leave the old Choctaw Nation and come to the new country, but that they preferred to remain back there and for the benefit of these Indians this article fourteen was made and put into the tresty. That article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the presents improvements of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw Annuities. "

Now those Choctaws who wanted to stay over there in Mississippi were entitled to do so, and if they went before the agent and signified their intention to do so within six months from the date of the ratification of that treaty were entitled to lands as I have told you.

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuities."

That means that those Indians who stayed back there in Mississippi and then afterwards removed to this country were entitled to citizenship in the Choctaw Nation, but were not entitled to any of the Annuities, that is, moneys that the Government was paying the Choctaws.

- Q Have you or any of your ancestors, or your wife or any of her ancestors ever receive any benefits under this fourteenth article ? A No, sir, my self and wife never have -- I do not know about our ancestors.
- Q Have you removed to the Choctaw Nation, Indian Territory, in good faith and is it the intention of yourself, your wife and your minor child to permanently reside in the Choctaw-Chickasaw country ? A Yes, sir.

When this treaty of 1830 was made a great many of the Choctaws failed to go before the United States Indian Agent who was delegated to register them under this article of the treaty, or the United States Indian Agent so authorized, refused to register them, and the Indians consequently lost their land, by having them taken from them and sold by the Government at its public land sales and for the purpose of ascertaining what Indians had lost their lands and to settle up their claim, Congress authorized Commissions to go down into Mississippi in 1837 and again in 1842 and hear the claims of those people who claimed that their land had been taken.

- Q Do you know whether any or your ancestors or the ancestors of your wife went before either of these commissions and made any claim or attempted to establish any claim under the provisions of that article of the treaty ? A No, sir, I dont know.
- Q Did you remove your household goods from the state of Mississippi to the Choctaw Nation, Indian Territory, with you ? A Yes, sir, I brought my bedding.

Witness excused:

Applicant has the appearance of being a full blood Indian. He has slight knowledge of the english language and is able to give his testimony without the aid of an interpreter.

Fred V. Kinkade being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in matter above referred to at Atoka, Indian Territory, November 6, 1903; that above and foregoing is a true, full and correct translation of his stenographic notes as taken therein on said date.

Fred V. Kinkade

Sworn to before me this 6th day of November, 1903.

David Shelby
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of John Dixon, et al., for identification as Mississippi Choctaws, M.C.R. 4990.

---: D E C I S I O N :---

It appears from the record herein that on February 3, 1899, John Dixon appeared before this Commission at Philadelphia, Neshoba County, Mississippi, and made personal application for the identification of himself and his wife, Emma Dixon, as Mississippi Choctaws, and that on March 12, 1902, Will Jimmy appeared before this Commission at Sealle, Mississippi and made application for the identification of John Dixon, his wife, Manie Dixon, and his minor child, Ennie Dixon, as Mississippi Choctaws, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It further appears from the record herein that since the date of the making of the first application, there was born to John Dixon and his first wife, Emma, a child named Ennie Dixon. That subsequent thereto the first wife of the principal applicant herein died, and he then married his present wife, Manie Dixon.

From the evidence submitted in support of said application, it appears that John Dixon, Manie Dixon and Ennie Dixon, are full blood Mississippi Choctaw Indians.

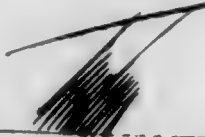
Section forty-one of the act of Congress entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

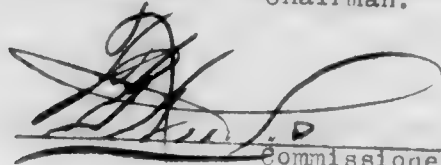
It is therefore the opinion of this Commission that John Dixon, Manie Dixon and Ennie Dixon should be identified as

Mississippi Choctaws, and it is so ordered.

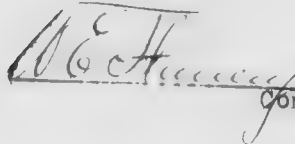
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory.

MAR 4 1904

Commissioner.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AVLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 20, 1903.

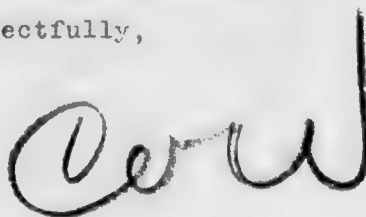
Mr. William C. Beall,

Clerk in charge Choc-Chick Enrollment Division.

Dear Sir:-

There has been transmitted to the Choctaw Legal Division an application numbered M.C.R. 4990, being that of John Dixon, et al., wherein application was made by Will Jimmy for the identification of the said John Dixon, his wife Manie Dixon and his minor child Fannie Dixon. This application was sent in as a full blood case but the testimony fails to show conclusively that Manie Dixon is a full blood. The record is therefore returned to the file for such action as may be deemed necessary.

Respectfully,



D.

See Case # 4990
+ Testimony # 2069

MERIDIAN, MISSISSIPPI, October 5, 1903.

John Dixon,

Union, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on March 12, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 A. M. and 6 P. M.

Very respectfully,

No. 97--M C R 4990/

Special Agent.

Muskogee, Indian Territory, October 20, 1903.

H. Van V. Smith,
Special Agent, U. S. Government,
Meridian, Mississippi.

Dear Sir:

The Commission is in receipt of a letter from the Choctaw Land Office stating that John Dixon, who claims to be a full blood Mississippi Choctaw, appeared at that office on the 9th instant and ~~stated~~ he had removed from near Philadelphia, Mississippi, to Kiowa, Indian Territory, on or about September 1, 1903. As this party has removed to the Territory you are requested to return to this office the copy of testimony forwarded you on September 2nd, in the matter of the Mississippi Choctaw case of John Dixon, et al.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 20, 1903.

John Dixon,

Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, wherein you ask to be advised relative to your application for identification as a Mississippi Choctaw.

In reply you are informed that it appears from our records that you have never made personal application to this Commission, but that on March 12, 1902, at Seale, Mississippi Will Jimmy made application for the identification of yourself, your wife, Manie, and your minor child,ennie Dixon, as Mississippi Choctaws.

As no personal application has ever been made by you for such identification, you are hereby notified to appear before the Commission to the Five Civilized Tribes either at Atoka or Muskogee, Indian Territory, for the purpose of personally testifying in support of the application made by Will Jimmy for the identification of yourself, your wife, and minor child as Mississippi Choctaws.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 20, 1903.

Commissioner in Charge,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, wherein you state "One John Dixon claiming to be a full blood Mississippi Choctaw Indian appeared at this office to-day and stated that he removed from near Philadelphia, Mississippi, to Kiowa, Indian Territory, on or about September 1, 1903." You further state that it is possible he may have been listed for identification as a Mississippi Choctaw upon information, and if further testimony is desired he can be communicated with at Kiowa, Indian Territory.

In reply you are informed that our records show that on March 12, 1902, Will Jimmy made application to this Commission, at Seale, Mississippi, for the identification of John Dixon, his wife, Manie, and their minor child, Eunie Dixon, as Mississippi Choctaws. As no personal appearance was ever made by the said John Dixon, a copy of the testimony given by Will Jimmy at the time of the making of this application was, on September 2, 1903, forwarded to H. Van V. Smith, Meridian, Mississippi, in order that he might secure

additional testimony in support of the case, but inasmuch as the applicants have removed to Indian Territory, Mr. Smith has this day been requested to return to this office the copy of testimony furnished him.

The Commission has also this day notified John Dixon, at Kiowa, Indian Territory, to appear before it either at Muskogee or Atoka and give testimony in support of his claim.

A copy of the testimony in the Mississippi Choctaw case of John Dixon, et al. is herewith enclosed.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 4, 1904.

John Dixon,

Kiowa, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered March 4, 1904, identifying you, your wife Manie Dixon, and minor child Fannie Dixon, as Mississippi Choctaw Indians, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, the persons so identified, in order to avail themselves of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before September 4, 1904, and must make proof of such removal and settlement on or before March 4, 1905, at the office of the Commission at Aloka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Commissioner in Charge.

Registered.

Enc. 4990.

Muskogee, Indian Territory, March 4, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 4, 1904, identifying John Dixon, his wife Manie Dixon, and minor child Annie Dixon, as Mississippi Choctaw Indians, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the action of the Commission in identifying said John Dixon, wife and child as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file protest within the time allowed, the name of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Commissioner in Charge.

Registered.

Enc. 4990.

Muskogee, Indian Territory, April 4, 1904.

John Dixon,

Bentley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 28, 1904, asking to be advised the status of your application for identification as a Mississippi Choctaw.

In reply you are advised that on March 4, 1904, the Commission rendered a decision identifying you, your wife, Manie Dixon, and minor child, Annie Dixon, as Mississippi Choctaw Indians, under the provisions of section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641); a copy of such decision being forwarded you, by registered mail, on the same date, to Kiowa, Indian Territory.

Respectfully,

Commissioner in Charge.

As John Dwyer did not ^{at first} refuse, this
application, and has not ~~repudiated~~ it,
and as he & his wife both had
appearances made in '99. It would
seem this appin (Mar 12. 02) might
stand for sufficient identification

C. S. S.

1990

For Identification as a Mississippi Choctaw.

Seale, Miss.

Date

Name

John Dixon

Age

30

Blood

full

Post Office,

Union, Miss.

Father:

don't know

d

Mother:

" "

d

Claims through

wife

Marie Dixon (full) 20

father Jackson To. rubber

2

mother don't know

For self, wife, & 1 child

Children:

Ennie Dixon (full) 2

mother Emma

See Miss. Choctaw field 40

260 and 1/2 miles

at 1:30 p.m.

Stenographer

R. A. Street

Choctaw MCR 4991

Calvin Isom

MCR 4991

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the identification
of Calvin Isom, et al., as Mississippi Choctaws, M.C.R. 4991.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the identification
of Calvin Isom, et al., as Mississippi Choctaws, M.C.R. 4991.

---: I N D E X :--

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Original application of Calvin Isom et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Decision of the Commission identifying above applicants...	4

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Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, March 12, 1902.

In the matter of the application of Calvin Isom for the identification of himself and his wife, Phoebe, as Mississippi Choctaws, represented by Will Jimmy.

Will Jimmy, having been first duly sworn, upon his oath, testified as follows:

Examination by the Commission:

- Q What is your name? A Will Jimmy.
- Q How old are you? A Twenty five.
- Q What's your post office address? A Franks.
- Q Have you lived in Neshoba County all your life? A Yes, sir.
- Q Are you a full blood Choctaw? A Yes, sir.
- Q Are you acquainted with a man by the name of Calvin Isom? A Yes, sir.
- Q How long have you known him? A Been knowing him all my life.
- Q Has he any Choctaw blood? A Yes, sir, full blood Choctaw.
- Q About how old is he? A About forty five years old.
- Q What's his post office address? A Fusky, Neshoba County, Mississippi.
- Q Has he lived in Neshoba County all his life? A Yes, sir.
- Q Has he a Choctaw name? A No, sir, I don't know.
- Q Is his father living? A No, sir.
- Q What was his name? A Isom.
- Q Did you know him? A Yes, sir.
- Q Did he have a Choctaw name? A No, sir, I don't think he did.
- Q Did he live in Neshoba County all his life? A Yes, sir.
- Q Was he a full blood Choctaw? A Yes, sir.
- Q Do you know the name of his father or his mother? A No, sir.
- Q Calvin's mother living? A No, sir.
- Q What was her name? A I don't know, sir, she was dead before I recollect.
- Q Do you know the name of any one of Calvin's grand parents? A No, sir.
- Q Is Calvin married? A Yes, sir.
- Q Wife living? A Yes, sir.
- Q Living together? A Yes, sir.
- Q What's her name? A Phoebe.
- Q About how old is she? A She's about fifty.
- Q Is she a full blood Choctaw? A Yes, sir.
- Q How long have you known her? A Known her about ten or twelve years.
- Q Has she always lived in Neshoba County? A Yes, sir.
- Q Is her father living? A No, sir.
- Q What was his name? A I don't know, sir, what his name was.
- Q Did you ever see him? A No, sir.
- Q Do you know the name of either one of his parents? A No, sir.
- Q Phoebe's mother living? A No, sir.
- Q Did you know her? A No, sir.

Calvin Isom, et al., 2.

- Q Do you know the name of either of her parents? A No, sir.
- Q How long have Calvin and Phoebe been married? A They been married about ten years.
- Q Have they ever been separated during that period of time? A Yes, sir.
- Q When was that? A Well, I don't know; I couldn't tell you exactly what time it was, but I know they been separated several times.
- Q Were they married under a license or according to the Choctaw custom? A Choctaw custom.
- Q Did Calvin ever have any other wife in the mean time? A He took up with a woman up there by the name of Sibbie.
- Q Full blood Choctaw? A Yes, sir, and she died about four or five years ago.
- Q How long did he live with Sibbie? A He lived with her - - I don't know; that's been a good while back.
- Q Have Calvin and Phoebe any children living? A No, sir.
- Q Did they ever have any children? A No, sir, not by them two.
- Q Has Calvin any children by any other woman living? A No, sir.
- Q Has Phoebe any children living? A Yes, sir.
- Q How many? A She's got three.
- Q What are their names? A Minnie, Gibson Walter's wife, and Frank and Buddy Stribling.
- Q What's the name of their father? A I don't know, sir, they just call them Stribling.
- Q Do you know whether any application of any description has ever been made for Calvin or Phoebe before today? A No, sir.

The records of the Commission show that application was made to the Commission at Philadelphia, Mississippi, on the third day of February, 1899, for the identification of Calvin Isom, and his wife, Eliza, their names appearing upon Mississippi Choctaw Card, Field Number 331; also, upon page 79 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands in Indian Territory, under the provisions of the 14th article of the treaty of Dancing Rabbit Creek, being Numbers 1173 and 1174, respectively, thereon.

From the testimony of Will Jimmy, it would appear that a mistake was made in this record three years ago, and that this woman, Eliza, who is now dead, was not the wife, but was, in fact, the daughter of Calvin Isom.

- Q When did Eliza die? A She's been died about two years.
- Q Was she married at the time of her death? A Yes, sir.
- Q What was her husband's name? A Bob Ivey.
- Q He is living now, is he not? A Yes, sir.
- Q Do you know whether any of the ancestors of Calvin or Phoebe ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.
- Q You are familiar with the provisions of that 14th article are

Calvin Isom, et al., 3.

you not? A Yes, sir.

Q Do you know whether any of them ever received any benefits at all as Choctaw Indians? A No, sir.

Q Did any of them ever live in Indian Territory? A No, sir.

(This application is made in behalf of Calvin Isom and his wife, Phoebe, by Will Jimmy, who is a full blood Choctaw, who is employed by the Commission as teamster. He bears the reputation of being a thoroughly reliable and trustworthy Choctaw. So far as the records of the Commission show no application of any description has ever been made before today for Phoebe, the Wife of Calvin Isom. At the time application was made by Calvin to the Commission, three years ago, he and Phoebe were separated, but they are living together at the present time. While the Commission was in session at Franks, Mississippi, during the latter part of last month, an unsuccessful effort was made to notify Calvin Isom of the presence of the Commission at that place. During the session of the Commission at Philadelphia, Mississippi, March 1st to 10th inclusive, an effort was made to notify him of the presence of the Commission at that place, but on account of the high water, it was impossible to reach the residence of Calvin Isom. From the testimony of Jimmy, and other information received by the Commission, there can be no doubt that he and his wife are full blood Choctaw Indians.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 12th day of March, 1902, at Seale, Mississippi, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Seale, Mississippi, this 1st day of April, 1902.

L. B. Mosley
Clerk U. S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the identification
of Calvin Ison, et al., as Mississippi Choctaws, M.C.R. 4991.

D E C I S I O N

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commis-
sion on March 12, 1902 by Will Jimmy for Calvin Ison and his wife
Phoebe Ison under the following provision of the act of Congress
approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation con-
cluded September twenty-seventh, eighteen hundred and
thirty, and to that end may administer oaths, examine
witnesses, and perform all other acts necessary there-
to and make report to the Secretary of the Interior."

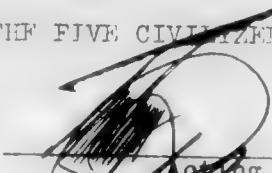
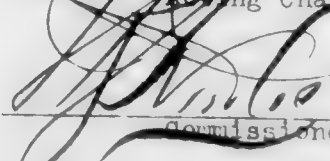

From the evidence submitted in support of said applica-
tion it appears that both the applicants are full blood Mississip-
pi Choctaw Indians.

Section forty-one of the act of Congress entitled "An
act to ratify and confirm an agreement with the Choctaw and Chick-
asaw tribes of Indians, and for other purposes," approved July 1,
1902 (32 Stats., 641) and ratified by the Choctaw and Chickasaw
Nations September 20, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw- Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Calvin Isom and Phoebe Isom should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

COPY.

M.C.R. 4991

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Calvin Isom and his wife, Phoebe Isom, as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats. 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Calvin Isom and his wife as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

SIGNED:

Tams Dixby
Acting Chairman

Registered
Enclosure M.C.R. 4991

M.O.R. 4991.

COPY.

Muskogee, Indian Territory, March 11, 1903.

Calvin Ison,

Punky, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your wife, Phoebe Ison, as Mississippi Choctaw Indians, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Registered.

Enc.: 4991.

James Bixby.
Chairman.

H C R 4991

Muskogee, Indian Territory, August 26, 1904.

Frank Stribling,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, in which you ask if this office has the names of your mother, Phoeby Stribling, and father, Calvin Isom, both full blood Mississippi Choctaws.

In reply to your letter you are informed that on February 14, 1903, the Commission rendered a decision identifying Calvin Isom and his wife, Phoebe Isom, as full blood Mississippi Choctaw Indians under the provisions of the 41st section of the act of Congress approved July 1, 1902 (32 Stats., 641).

The names of Calvin and Phoebe Isom appear upon a schedule of duly identified Mississippi Choctaws approved by the Secretary of the Interior on April 7, 1903, but as they have failed to submit proof of their removal and settlement within the Choctaw-Chickasaw country, Indian Territory, within one year from the date of their identification, February 14, 1903, as required by law, no selection of allotment can be permitted to be made by or for them at this time.

Respectfully,

There are full bloods and some
prevented from appearing before the
Court. They have not been unwilling to
do so, and have not repudiated the
appreciation made. Appreciation was
made for Calvin Isaac in '99 -
CRS

#1898

No. 4931

For Identification as a Mississippi Choctaw.
Seale Miss.

Date

Name

Calvin Isom

Age

45

Blood

full

Post Office,

Fusky, Miss.

Father:

- Isom -

d

Mother:

don't. Know

d

Claims through

Wife

Phoebe Isom

(guess) 50

Father

don't know

d

Mother

" "

d

For self 100%

Children:

See M. ...

to ...

Stenographer

R. S. Street

Alvin Loom. et al

COPY OF DECISION DEMANDED
APPLICANT

MAR 11 1903

Choctaw MCR 4992

Robert Isom

See MCR 332

MCR 4992

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the identification
of Robert Ison as a Mississippi Choctaw, P.C.R. 4992.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application for the identification
of Robert Isom as a Mississippi Choctaw, M.C.R. 4992.

--: I N D E X :--

	(Page)
Original application of Robert Isom before the Dawes Commission for identification as a Mississippi Choctaw.. .. .	1
Decision of the Commission identifying above applicant....	4

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Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, March 13, 1902.

In the matter of the application of Robert Isom for the identification of himself as a Mississippi Choctaw, represented by Will Jimmy.

Will Jimmy, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Will Jimmy.
Q How old are you? A Twenty five.
Q What's your post office address? A Franks.
Q Have you lived in Neshoba County all your life? A Yes, sir.
Q Are you a full blood Choctaw? A Yes, sir.
Q Are you acquainted with a man by the name of Robert Isom? A Yes, sir.
Q How long have you known him? A About - ever since we were chaps.
Q How much Choctaw blood has he? A Full blood Choctaw.
Q Has he lived in Neshoba County all his life? A Yes.
Q About how old is he? A He's about twenty three.
Q What's his post office address? A Fusky, Mississippi.
Q How far does he live from you? A He lives about five miles.
Q Is his father living? A No, sir.
Q What was his name? A Henry Isom.
Q Did you know him? A No, sir.
Q Did his father have a Choctaw name? A No, sir.
Q Did he live in Neshoba County all his life? A Yes.
Q About how old would he be if he were living now? A He would have been about sixty, I expect.
Q Do you know the name of his father or his mother? A Old man Isom; don't know the name of the mother.
Q Is that the only name Isom had? A Yes.
Q Did he live in this country all his life? A Yes, sir.
Q When did he die? A He has been dead about five years.
Q Is Henry a full brother of Calvin Isom? A Yes.
Q Is Robert's mother living? A No, sir.
Q What was her name? A Sibbie.
Q Was she a full blood Choctaw? A Yes, sir.
Q Lived here in Mississippi all her life? A Yes, sir.
Q Did she have a Choctaw name? A No, sir.
Q Is Robert married? A Yes, sir.
Q Is his wife living? A No, sir.
Q When did she die? A About two months ago.
Q What was her name? A Lonie.
Q Did she ever go by any other name? A Yes, sir.
Q What? A Topsy.
Q Did they have any children at the time of their death? A One, but it died.
Q Did it die since her death? A No, sir, before she died.

Robert Isom, 2.

- Q How long have they been married? A Been married two or three years
Q Was Robert ever married before he married her? A No, sir.
Q He has no family whatever living now, then? A No, sir.
Q Do you know whether any application of any description has ever been made before today for Robert? A No, sir.

The records of the Commission show that on the third day of February, 1899, Calvin Isom, uncle of Robert Isom, appeared before the Commission at Philadelphia, Mississippi, and made application for the identification of Robert Isom, and his wife, Lonie, as Mississippi Choctaws, their names appeared upon Mississippi Choctaw Card, Field Number 332; also, upon page 79 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands in Indian Territory, under the provisions of the Fourteenth article of the treaty of Dancing Rabbit Creek, being Numbers 1175 and 1176, respectively, thereon.

It further appears that on the 24th day of January, 1899, Stephen Gibson appeared before the Commission at Carthage, Mississippi, and made application for the identification of himself and his daughters, Topsy and Bettie, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field Number 48, also, upon page 40 of the Schedule being Numbers 169, 170, and 171, respectively, thereon.

- Q Do you know the name of Topsy's father? A Yes, sir.
Q What is it? A Stephen Gibson.
Q Where does he live? A About Ofahoma, Leake County.
Q You understand the 14th article of the treaty of Dancing Rabbit Creek, thoroughly, do you not? A Yes, sir.
Q Do you know whether any of the ancestors of Robert Isom ever complied or attempted to comply with it's provisions, or ever received any benefits thereunder? A No, sir, I don't know.
Q Do you know whether any of them ever received any benefits whatever from the Government of the United States as Choctaw Indians? A No, sir.
Q Do you know any one living who would likely know whether any of them ever did, or not? A No, sir, I don't.
Q Has Robert any brothers living? A Yes, sir.
Q How many? A One.
Q What's his name? A Albert.
Q Where does Albert live? A He lives, I heard some of them say, about North Bend; I don't know exactly where he lives; he was living about Fusky last year, and been living there a good while, but I heard some say he was living about North Bend.
Q Has Robert any sisters living? A No, sir.
Q Has he any brothers or sisters dead who left children? A No, sir.
Q Are any of his father's brothers or sisters, except Calvin, living? A No, sir.
Q Any of his mother's brothers or sisters living? A No, sir.

Robert Isom, 3.

(This application is made in behalf of Robert Isom by Will Jimmy, who is a full blood Choctaw, who is employed by the Commission as teamster. He bears the reputation of being a thoroughly reliable and trust-worthy Choctaw. While the Commission was in session at Franks, Mississippi, during the latter part of last month, an unsuccessful effort was made to notify Robert Isom of the presence of the Commission at that place. During the session of the Commission at Philadelphia, Mississippi, March 1st to 10th, inclusive, an effort was made to notify him of the presence of the Commission at that place, but on account of the high water, it was impossible to reach the residence of Robert Isom. From the testimony of Jimmy, and other information received by the Commission, there can be no doubt that he is a full blood Choctaw Indian.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 13th day of March, 1902, at Seale, Mississippi, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Seale, Mississippi,
this 3rd day of April, 1902.

R. S. Streit
L. B. Mosely
Clerk U.S. Circuit Court,
Southern District of Mississippi,

By *[Signature]*

Deputy.

C. W. W.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application for the identification
of Robert Isom as a Mississippi Choctaw, M.C.R. 4992.

D E C I S I O N

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Commis-
sion on March 13, 1902 by Will Jimmy for Robert Isom under the fol-
lowing provision of the act of Congress approved June 28, 1898
(30 Stats., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation con-
cluded September twenty-seventh, eighteen hundred and
thirty, and to that end may administer oaths, examine
witnesses, and perform all other acts necessary thereto
and make report to the Secretary of the Interior."

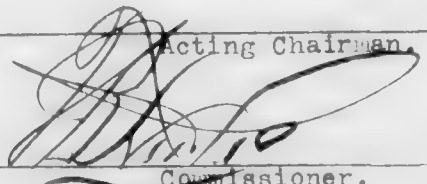
From the evidence submitted in support of said appli-
cation it appears that the applicant is a full blood Mississippi
Choctaw Indian.

Section forty-one of the act of Congress entitled "An
act to ratify and confirm an agreement with the Choctaw and Chick-
asaw tribes of Indians, and for other purposes," approved July 1,
1902 (32 Stats., 641) and ratified by the Choctaw and Chickasaw
Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Robert Isom should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,



Acting Chairman.

Commissioner.

Muskogee, Indian Territory,

Commissioner.

FEB 14 1903

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 7, 1903.

William O. Beall,

Clerk in Charge Choctaw-Chickasaw Enrollment Division,

Dear Sir:-

There was transmitted to the Mississippi Choctaw Legal Department for the preparation of a decision, application numbered M.C.R. 4992, wherein application was made by Will Jimmy for the identification of Robert Ison as a Mississippi Choctaw. A decision was prepared identifying the applicant as a Mississippi Choctaw and transmitted to the Commissioners for their signatures, and by them returned for the reason that the applicant did not make a personal appearance.

The record is returned to the files for such action as may be deemed necessary.

Respectfully,

Chas. W. W. W.

This app't is a free blood,
has shown no unwillingness to
apply before the Com. App. was
made for him in 99 -
He was prevented by high water
from reaching the Com. & was
again -
He has not represented this one
made by Will J. J. -

Ans

1899

No.

4932

For Identification as a Mississippi Choctaw.

Seale, Miss.

Date

MAR 13 1902

Name

Robert I. Seale

or Will Jimmy

Age 23

Blood full

Post Office,

Fish Key, Miss

Father:

Henry Seale

d.

Mother:

Libbie

"

d.

Claims through

For Sealing

Children:

Miss. Pac. card No. 331.

Stenographer

R. S. Street

Choctaw MCR 4993

Joseph E. Ables

See MCR 4977

MCR 4993

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 21, 1902.

4993

In the matter of the application for identification as a
Mississippi Choctaw of Joseph Edward Ables.

Attorney G. E. Rider appearing for applicants.

Joseph Edward Ables being first duly sworn testified as follows

Examination by the Commission.

- Q What is your name? A Joseph Edward Ables.
Q What is your age? A Twenty three, will be twenty-three in May.
Q You are twenty-two now? A Yes, sir.
Q What is your post office address? A Madill, Indian Territory.
Q How long have you lived in Madill? A About one-month.
Q Where did you live before you lived there? A Texas.
Q Were you born in Texas? A Yes, sir.
Q Always lived in Texas? A Yes, sir.
Q Where in Texas have you lived? A About Waco.
Q In that County? A Yes, sir.
Q What is the name of the County? A Fall, McClelland and Hunt Counties, I was born in Hunt County.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A Andrew Jackson Ables.
Q What is your mother's name? A Icy Ann Ables.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q She made application to be identified as a Mississippi Choctaw before the Commission March 20, did she not? A Yes, sir.
Q Are you married? A No, sir.
Q Making application just for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.

#2

- Q Do you understand that article? A I think I do, I heard it explained a good many times.
- Q You care to have it explained again? A No, sir; I don't think that it is necessary.

It reads, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your ancestors complied or attempted to comply with any of the provisions of that article? I heard that my grandfather did.
- Q What was his name? A William Simmons.
- Q In what way did he comply with this article do you know? A No, sir.
- Q How much Choctaw blood did he have? A I think he claimed one-half.
- Q Did he live in Mississippi in the year 1830? A Yes, sir.
- Q Did he have a family there at that time? A I don't know.
- Q Do you know the name of his wife whom he first married? A Foster.
- Q Did he afterwards marry your grandmother? A Yes, sir.
- Q What is her name? A Lucretia Simmons.
- Q She is living now? A Yes, sir.
- Q How old is she? A Ninety years old.
- Q Where is she living? A Madill, Indian Territory.
- Q Do you know when your grandfather William Simmons married your grandmother Lucretia? A No, sir.
- Q How old would he be if living now? A Somewhere between ninety-eight and one-hundred.
- Q Where did he die? A Alabama.
- Q In what year do you know? A No, sir.
- Q Did you ever see him? A No, sir.
- Q Did you ever talk with your grandmother in reference to how much Choctaw blood William Simmons her husband had? A No, sir.
- Q Ever hear her say anything about him, about his having Choctaw blood? A Yes, I heard her say that he was a part Choctaw.
- Q Did he or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did he or any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.

- Q Did you ever hear that William Simmons or any of your Choctaw ancestors owned or claimed any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I heard that my grandfather did; William Simmons.
- Q Under article fourteen of that treaty? A Yes, sir.
- Q You know where that land was located? A On the Black Creek.
- Q Was that in Mississippi or Alabama? A In Mississippi.
- Q Was it in the old Choctaw Nation in Mississippi? A I think it was in the Eastern part of Mississippi.
- Q Do you know how much land he had? A I think 80 acres.
- Q Do you know if any deed or patent of it is in existence? A Not now; I heard that there was.
- Q Did you ever see it or did you ever know of anybody that did see it? A My father saw it.
- Q Was it a patent from the government for that land? A Yes, sir.
- Q What became of it? A It burned up.
- Q When and where? A I don't know where but in my uncle's house.
- Q In Mississippi? A No, I think in Alabama.
- Q Do you know when it was burned? A No, sir.
- Q There were some kins-people of yours who testified yesterday when they made application to be identified as Mississippi Choctaw claiming through William Simmons who stated that William Simmons had a certificate or scrip which they thought was issued to him by the Commission in 1842 and that it was destroyed at the time of this fire. Do you mean that he also had in addition to this scrip a deed or patent? A I don't know what it was but he had two papers.
- Q Do you think that one was a deed or patent issued to him by the government under article fourteen and the other was scrip issued to him by the Commission under an act approved August 23rd 1842? A I think one was scrip.
- Q Do you know that the other one was a patent? A It strikes me that it was.
- Q You heard that both were destroyed by fire that that time? A Yes, sir.
- Q And were then in the possession of whom? A My grandmother.
- Q Your grandfather had died at that time? A Yes, sir.
- Q Then your grandmother if living could tell about these papers? A Yes; she is living.
- Q You propose to have her deposition taken? A Yes, sir.
- Q And have it filed in your application? A Yes, sir.
- Q You want time then for the introduction of that evidence? A Yes, sir.
- Q Also other proper evidence? A Yes, sir.

A reasonable time is allowed for that purpose.

The Choctaw Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of the treaty of Dancing Rabbit Creek to go to the United States Indian Agent Colonel Ward who had an Agency in Mississippi and signify to him their intentions to remain in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. A great many Indians remained back in the old Choctaw Nation; it has been estimated that perhaps six thousand remained there but of that number Ward's register contains the names of about seventy-one heads of families who were recorded by him. His neglect to make a proper and complete list of all of these Choctaw Indian claimants under article fourteen of the treaty of 1830

caused a good many Indians who had land in Mississippi upon which they had improvements to lose both land and improvements. Both were taken from them by the government and sold. This caused a great many complaints among the Indians so that in 1837 by act approved March 3rd of that year a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose under an act approved August 23rd of that year. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed benefits under article fourteen of the treaty of 1830? A I heard that my grandfather William Simmons did.
- Q Through whom did you hear that he went before either of these two Commissions? A My father.
- Q Which Commission did he go before? A I think it was Ward.
- Q What you meant to say was that he went before Colonel Ward did you not? No, sir.
- Q What do you mean then? A Well I understood you to say if he had made application as a Mississippi Choctaw.
- Q To Colonel Ward? A I don't think he went before anybody.
- Q How could he make application if he did not go before anybody? A I don't know; please state that again.
- Q Colonel Ward was required, as I have already stated to take these applications within six months after the ratification of the treaty of 1830; that is, within six months from February 24, 1831. Now if your grandfather went before him at that time he must have gone before him or sent to him however you wish to state it and attempted to register in the year 1831? A I don't know that he went before him.
- Q Now you say that he went before the Commission that was appointed by Congress in 1837 or before the Commission that was appointed by Congress in 1842; that is the way you have answered the question; I want you to straighten that thing out for me? A I don't think he went before any Commission.
- Q Now how about him going before Colonel Ward? A I don't know; I can't answer that question.
- Q Did he make application in any way before Colonel Ward to be enrolled? A I don't know that he did.
- Q Did you ever hear that he received any scrip from the government under an act of Congress approved August 23rd 1842, which entitled him to select land in place of land that he had had in Mississippi and the government had taken from him and sold? A He had some scrip but I don't know what it was for.
- Q Do you know whether he selected any land under that scrip? A No, sir.
- Q Now you stated a little while ago that he did have 80 acres of land? A Yes, but I don't know where he got it.
- Q Have you any relatives who have appeared here to be identified as Mississippi Choctaws claiming through the same common ancestor William Simmons? A Yes, sir.
- Q Your mother? A Yes, sir.
- Q Her name is Icy Ann Ables? A Yes, sir.
- Q And other brothers and sisters and aunts? A Yes, sir.
- Q You want to have the testimony given by them in their applications considered with yours so that all may be considered together? A Yes, sir.
- Q Have you any evidence you want to introduce at this time, any further testimony or evidence? A ----

#5

By attorney Rider.

We want to introduce deposition number 11, on page 637, of American State Papers of James Standley.

Q

By the Commission

- Q Do you know that in the deposition of James Standley which is contained in volume 7, American state papers, on page 637, the name of one William Simmons appears as having, according to that deposition, attempted to establish rights under article fourteen of the treaty of 1830; is that your grandfather? A I have been told that it was.
- Q Who have you been told that by? A By my grandmother and my father.
- Q That that is the same identical person? A Yes, sir.
- Q The question is, did they tell you that the William Simmons whose name appears on that book in that deposition which is contained upon page 637 of volume 7, American State Papers is your grandfather? A No, sir.
- Q You have no way at present to connect that? A No, sir.
- Q Do you understand or speak the Choctaw language? A No, sir.

By attorney Rider.

- Q What is the present physical condition of your grandmother as to whether she is able to travel? A No, sir.
- Q She is infirm and very old? A Yes, sir.
- Q Did you make any effort to get her up here since you have been here? A Yes; I wired my father.
- Q What did he reply? A He said she was unable and in bed. She can't stand on her ankles.

By the Commission.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium dark complexion; brown eyes; brown hair; does not understand the Choctaw language, and has no certain knowledge of compliance on the part of his ancestor with any of the provisions of article fourteen of the treaty of 1830. He has heard that his grandfather William Simmons received some benefits as a Choctaw Indian either under article fourteen of the treaty, either by making application to Colonel Ward or by having received scrip under the provisions of an act of Congress of August 23rd 1842 but is uncertain as to either of these facts.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 21, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

Subscribed and sworn to before me this 19th day of April 1902.

Herbert H. Woodward
Notary Public.

COPY.

Muskogee, Indian Territory, April 29, 1903.

Joseph E. Ables,

Madill, Indian Territory.

Dear Sir:

You are hereby advised that on the 29th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ioy Ann Ables, et al., embracing the following applications for identification as Mississippi Choctaws:

Ioy Ann Ables, et al.,	M.C.R. 4977
Lula Wright, et al.,	M.C.R. 5060
William M. Ables, et al.,	M.C.R. 4980
Mary J. Warrock, et al.,	M.C.R. 4981
Sarah Ann Helt, et al.,	M.C.R. 4982
John Thomas Ables, et al.,	M.C.R. 4976
James A. Ables,	M.C.R. 4983
Joseph Edward Ables,	M.C.R. 4993
Robert Ables, et al.,	M.C.R. 4994
Ellen Carnes, et al.,	M.C.R. 4978
Jessie B. Glenn, et al.,	M.C.R. 4979

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Icy Ann Ables, Andrew Jackson Ables, Jr., George Washington Ables, Leonard Ables, Leta Ables, Lula Wright, James Dewey Wright, Mary Musett Wright, William M. Ables, Jesse B. Ables, William Lloyd Ables, Lillian Ables, Bertha Ables, William Monroe Ables, Mary J. Warrock, Willie May Warrock, Vera Ann Warrock, Lula Jewell Warrock, S. Gouldy Warrock, Sarah Ann Holt, Walter Andrew Holt, Opal May Holt, J. C. Holt, John Thomas Ables, Luther Ables, Arthur Ables, Annie Ables, Lula Jewel Ables, James A. Ables, Joseph Edward Ables, Robert Ables, John Lewis Ables, Ellen Carnes, Auther May Carnes, Ida Belle Carnes, Valeria M. Carnes, William Edward Carnes, Joseph Ernest Carnes, Luellen Carnes, Wiley Carnes, Dovie Carnes, Josie B. Glenn, Lee G. Glenn, Hattie M. Glenn, Josie B. Glenn (2), Edith M. Glenn and William Lewis Glenn, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary through the Commissioner of Indian Affairs.

Respectfully,

SIGNE

Tams Bixby.

Chairman.

Registered.

M C R 4993

Muskogee, Indian Territory, January 5, 1904.

Joseph E. Ables,
Madill, Indian Territory.

Dear Sir:

You are hereby notified that in accordance with instructions contained in a letter from the Secretary of the Interior, under date of December 30, 1904, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Friday, January 20, 1905, at nine o'clock A. M., hear the testimony of Thomas Sandwith Ashley, of Madill, Indian Territory, whose testimony your attorneys have heretofore petitioned the Secretary of the Interior to receive in support of the consolidated Mississippi Choctaw case of Icy Ann Ables, et al.

Respectfully,

Chairman.

Registered.

M C R 4993

COPY.

Muskogee, Indian Territory, March 14, 1906.

Joseph E. Ables,

Madill, Indian Territory.

Sir:

You are hereby notified that the Secretary of the Interior, on February 26, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of April 29, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Icy Ann Ables, et al., of which the application for the identification of yourself is a part.

Respectfully,

SIGNED *Wm. J. Hall.*

Acting Commissioner.

COPY

MCR-4993

Muskogee, Indian Territory, January 19, 1907.

Joseph E. Ables,
Madill, Indian Territory.

Dear Sir:-

You are hereby notified that on January 11, 1907, the Secretary of the Interior denied a motion, filed March 27, 1906, by W. W. Wright and Chester Howe, attorneys at law, Washington, D. C., for review of Departmental decision of February 26, 1906, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of Ioy Ann Ables et al., of which the application for the identification of yourself is a part.

Respectfully,

Camille C. Smith

Commissioner.

Received of the Commission to the Five Civilized Tribes one
copy of the testimony of Joseph Edward Ables in the matter of his ap-
plication for identification as a Mississippi Choctaw, M.C. 4993

Geo. E. Kiden

Dated at Madill, Ind. T.,
this May 8, 1902.

Copy of this testimony sent to Mansfield, McMurray & Cornish on
January 12, 1905.

Copy of this testimony sent to Mansfield, McMurray & Cornish on
January 12, 1905.

Date

MAR 21 1902

Name *Joseph E. Ablee,*

Age *22 -* Blood *'18*

Post Office, *Madill, I.T.*

Father: *Andrew J. Ablee. l*

Mother: *Jey Ann " l.*

Claims through *mother*

~~Children:~~

*Claims for self
alone.*

Stenographer *G. Rosenmire*

Choctaw MCR 4994

Robert Ables

See MCR 4977

MCR 4994

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 21, 1902.

4994

In the matter of the application for identification as Mississippi Choctaws of Robert Ables for himself and his minor son John Lewis Ables.

G. E. Rider attorney appearing for applicants.

Robert Ables being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Robert Ables.
Q What is your age? A Twenty-one.
Q Are you married? A Yes, sir.
Q What is your post office address? A Madill, Indian Territory.
Q How long have you lived at Madill? A I don't know exactly I reckon close on to five months.
Q Where did you live before that? A In Texas.
Q Where were you born? A Hunt County, Texas?
Q Have you always lived in Texas until you came to Madill? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Mother living? A Yes, sir.
Q What is your father's name? A Andrew Jackson.
Q What is your mother's name? A Icy Ann Ables.
Q She appeared before the Commission March 20th did she not to be identified as a Mississippi Choctaw? A Yes, sir.
Q You claim through your mother do you not? A Yes, sir.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.
Q Are you married? A Yes, sir.
Q Your wife living? A Yes, sir.
Q What is her name? A Sophie Ables.
Q S-o-p-h-i-e? A ----
Q You claim Choctaw blood for her or is she a white woman? A She is a white woman.
Q You make any claim at all for her as a Choctaw? A No, sir.
Q Have you any children you want to make application for? A I have one.
Q What is the name of that child? A John Lewis.
Q L-e-w-i-s? A Yes, I guess so.
Q How old is he? A About five months old.
Q You claim for yourself and this child? A Yes, sir.
Q Is Sophie Ables the mother of this child? A Yes, sir.
Q When and where were you married to her? A In Falls County, Texas.
Q Texas? A Yes, 1900.
Q What day of the month? A I think about the 18th.

#2

- Q 18th of what? A I believe it was in November.
Q By a minister under a license? A Yes, sir.
Q Have you proof of the marriage with you now? A No, sir.
Q You think you can introduce that later? A Yes, sir.

A reasonable time will be allowed for that purpose.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
Q Do you understand article fourteen of that treaty? A Not perfect
Q You would like to have it explained further? A Yes, sir.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September 1830 between the United States government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama, along the Western boundary line. The object of the treaty was to secure the removal of the Choctaws from the country occupied by them in Mississippi to the new country West of the Mississippi River, part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time the treaty was made some of the Choctaws were unwilling to remove to the new country West of the Mississippi River but preferred to remain in what constituted the old Choctaw Nation and for the benefit of this class of Indians article fourteen was put into the treaty. That article is, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article of that treaty? A Yes, I think I understand it.

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A William Simmons.
- Q Did he or any of your Choctaw ancestors comply with the provisions of that article? A I don't know sir.
- Q What relation was William Simmons to you? A My grandfather.
- Q How old would he be if living now? A About ninety-eight.
- Q Where was he born? A I don't know sir.
- Q Did he live in Mississippi or Alabama? A I heard he did.
- Q In which state? A I heard he lived in Mississippi and my grandmother said he lived in Alabama.
- Q Did he live in the old Choctaw Nation either in Mississippi or Alabama? A I don't know sir.
- Q Did he live in either Mississippi or Alabama in 1830 and have a family there then? A I don't know sir whether he did or not.
- Q Did he speak the Choctaw language? A My grandmother said he did.
- Q Your grandmother living now? A Yes, sir.
- Q What is her name? A Lucertie Simmons.
- Q Where is she living? A Madill.
- Q How old is she? A Close on to ninety-years of age.
- Q Not physically able to be present to testify in your case? A Yes, sir.
- Q She is able? A No, sir; she is not able.
- Q Was she your grandfather's first or second wife? A I heard his second wife.
- Q Did she ever live in Mississippi? A I don't know sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know sir.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I heard my father did.
- Q Your father did or grandfather? A My grandfather I should have said.
- Q What did you hear about your grandfather having land in Mississippi under article fourteen; which he received under article fourteen? A Just through the family, hearing my grandmother speak about him being in Mississippi.
- Q Do you know where that land was? A No, sir.
- Q Do you know whether he ever received any scrip from the government of the United States? A My grandmother said he had one scrip, had a scrip.
- Q Well did he select land under that scrip? A I don't know sir whether he did or not.
- Q Do you know whether he first received land and had it taken from him by the government and sold and then, after that, made application for scrip? A I don't know.
- Q Do you know whether he claimed any land in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.
- Q Did they claim any benefits as Choctaw Indians under any other treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I don't know.

The Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian Agent Colonel Ward within six months from the ratification of that treaty and tell him that they intended to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register, his failure to do so caused a good many Indians who had land in Mississippi to lose both the land and the improvements they had upon it, both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837, by act of Congress approved March 3rd of that year a Commission was appointed by Congress and this Commission went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 by act approved August 23rd of that year another Commission was appointed for the same purpose and this Commission went to Mississippi and heard claimants under that article of that treaty.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions and claimed benefits as Choctaw Indians? A I don't know sir.

The scrip that was issued to Choctaw Indian claimants who claimed their rights before the Commission of 1842, was issued under an act of Congress approved August 23rd 1842.

- Q Do you think that your grandfather got some scrip under that act of Congress? A I don't know where he got his scrip.
 Q You just simply heard that he got scrip? A Yes, I heard it through my grandmother that he had one.
 Q You know what is meant by scrip? A No, sir I never had it explained to me.
 Q Did you understand it to mean money? A No, sir; I understood her to mean that was a scrip,--something like a deed for land.
 Q Some paper authorizing you to select land? A Yes, sir.
 Q You got that information from your grandmother? A Yes, sir.
 Q Lucretia Simmons? A And I heard my father say so also.
 Q He is now living is he not? A Yes, sir.
 Q Do you think you will be able to get his testimony before the Commission? A Yes, sir.
 Q That is your intention is it? A Yes, sir.
 Q Have you any other evidence you would like to introduce now in support of this claim? A --

By attorney Rider.

We want to introduce deposition number 11, on page 637, American State Papers, by James Standley and ask for a reasonable time in which to introduce the deposition of Lucretia Simmons and the testimony of Andrew J. Ables and all other testimony.

By the Commission.

A reasonable time will be allowed this applicant in which to introduce any other proper evidence if introduced under the rules of the Commission.

- Q On page 637, volume 7, American State Papers, in a deposition by one James Standley, appears the name of one William Simmons, who, according to this deposition, was one of those Choctaw Indians who endeavored to comply with the provisions of article fourteen of the treaty of 1830. Have you any positive knowledge that your grandfather, William Simmons, is the identical person named in this deposition, of James Standley? A I don't know that that is the same one, only what I heard my grandmother say, she always taught me that my grandfather's name was William Simmons.
- Q Do you speak the Choctaw language or understand that language? A No, sir.
- Q Is there anything further you would like to say in support of this claim? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark complexion; dark brown eyes and black hair or nearly so. He does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestor with the provisions of article fourteen further than that his grandfather, William Simmons, had some land in Mississippi but he is not able to state exactly how he obtained it, also, he has been given to understand by his grandmother Lucretia Simmons that William Simmons had at one time in his possession some document which entitled him to hold land in Mississippi.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 21, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 19th day of April 1902.

Wm. Mitchell
Notary Public.

COPY.

M.C.R. 4994

Muskogee, Indian Territory, April 29, 1903.

Robert Ables,

Madill, Indian Territory.

Dear Sir:

You are hereby advised that on the 29th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Icy Ann Ables, et al., embracing the following applications for identification as Mississippi Choctaws:

Icy Ann Ables, et al.,	M.C.R. 4977
Lula Wright, et al.,	M.C.R. 5060
William M. Ables, et al.,	M.C.R. 4980
Mary J. Warrock, et al.,	M.C.R. 4981
Sarah Ann Holt, et al.,	M.C.R. 4982
John Thomas Ables, et al.,	M.C.R. 4978
James A. Ables,	M.C.R. 4983
Joseph Edward Ables,	M.C.R. 4993
Robert Ables, et al.,	M.C.R. 4994
Ellen Carnes, et al.,	M.C.R. 4978
Josie E. Glenn, et al.,	M.C.R. 4979

These applications were made under the provision of the act of Congress of June 22, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Icy Ann Ables, Andrew Jackson Ables, Jr., George Washington Ables, Leonard Ables, Leeta Ables, Lula Wright, James Dewey Wright, Mary Mussett Wright, William M. Ables, Jesse B. Ables, William Lloyd Ables, Lillian Ables, Bertha Ables, William Monroe Ables, Mary J. Warrock, Willie May Warrock, Vera Ann Warrock, Lula Jewell Warrock, S. Gouldy Warrock, Sarah Ann Holt, Walter Andrew Holt, Opal May Holt, J. C. Holt, John Thomas Ables, Luther Ables, Arthur Ables, Annie Ables, Lula Jewel Ables, James A. Ables, Joseph Edward Ables, Robert Ables, John Lewis Ables, Ellen Carnes, Auther May Carnes, Ida Belle Carnes, Valeria E. Carnes, William Edward Carnes, Joseph Ernest Carnes, Luellen Carnes, Wilay Carnes, Dovie Carnes, Josie B. Glenn, Lee G. Glenn, Essie M. Glenn, Josie B. Glenn (2) Edith E. Glenn and William Lewis Glenn, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamr Bixby.
Chairman.

Registered.

M C R 4994

Muskogee, Indian Territory, January 6, 1905.

Robert Ables,

Madill, Indian Territory.

Dear Sir:

You are hereby notified that in accordance with instructions contained in a letter from the Secretary of the Interior, under date of December 30, 1904, the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Friday, January 20, 1905, at nine o'clock A. M., hear the testimony of Thomas Sandwith Ashley, of Madill, Indian Territory, whose testimony your attorneys have heretofore petitioned the Secretary of the Interior to receive in support of the consolidated Mississippi Choctaw case of Icy Ann Ables, et al.

Respectfully,

Chairman.

Registered

M C R 4994

COPY.

Muskogee, Indian Territory, March 14, 1906.

Robert Ables,

Madill, Indian Territory.

Sir:

You are hereby notified that the Secretary of the Interior, on February 26, 1906, affirmed the decision of the Commission to the Five Civilised Tribes of April 29, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Icy Ann Ables, et al., of which the application for the identification of yourself and minor son is a part.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

COPY

MR-4994

Muskogee, Indian Territory, January 19, 1907.

Robert Ables,
Madill, Indian Territory.

Dear Sir:-

You are hereby notified that on January 11, 1907, the Secretary of the Interior denied a motion, filed March 27, 1906, by W. W. Wright and Chester Howe, attorneys at law, Washington, D. C., for review of Departmental decision of February 26, 1906, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of Icy Ann Ables et al., of which the application for the identification of yourself and child is a part.

Respectfully,

S. *Edms Bixby*

Commissioner.

Received of the Commission to the Five Civilized Tribes one
copy of the testimony of Robert Ables in the matter of his applicatim
for the identification of himself and his minor child as Mississippi
Choctaws, M.C. 4994.

Geo. E. Rider.

Dated at Wadill, Ind. T.,
this May 8, 1902.

Cop: of this testimony sent to Mansfield, McMurray & Cornish on
January 17, 1906.

Date

MAR 21 1902

Name Robert Ables.

Age 21 - Blood '18

Post Office, Madill. I. T.

Father: Andrew J. Ables, l

Mother: Sey Ann .. l

Claims through mother's
wife. Sophie Ables, l. w.

No claim for wife.

Children:

John Lewis Ables, 5 m.

Claims for self
and child —

Stenographer G. Rosannunke.

Choctaw MCR 4995

William OcKittree

See MCR 4552

MCR 4995

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 21, 1902.

4995

In the matter of the application for identification as Mississippi Choctaws of William Ockittree for himself and his three minor children Willie Anna, Carrie and Sterling Ockittree.

A. S. McRae, attorney appearing for applicants.

William Ockittree being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A William Ochiltree.
Q What is your age? A Forty.
Q What is your post office address? A Austin, Texas.
Q How long have you lived at Austin? A Ten years.
Q Where did you live before that? A Bastrop.
Q Texas? A Yes, sir.
Q Were you born in Texas? A Yes, sir.
Q Always lived there? A Yes, sir.
Q What is your father's name? A John William Ochiltree.
Q Is he living? A No, sir; he is dead.
Q Is your mother living? A No, sir.
Q What was her name? A Winnie Ochiltree.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A One-half.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Do you claim that your father was a full blood Choctaw Indian? A Yes, sir.
Q What was your mother's blood? A She was three-quarters white and one-quarter Negro.
Q Were either of your parents slaves at any time? A No, sir.
Q When and where were your father and mother married? A They were married in Bastrop County, Texas.
Q Do you remember the exact date? A No, sir.
Q Have you proof of their marriage with you now? A No, sir.

It will be necessary for you to introduce evidence of the marriage of your father and mother in support of this claim you make for yourself.

- Q Are you married? A Yes, sir.
Q What is your wife's name? A Julia Ochiltree.
Q She living? A Yes, sir.
Q What race does she belong to? A Negro.
Q You make no claim for her as a Choctaw Indian? A No, sir.
Q Give me the name of your oldest child unmarried and under twenty-one? A Willie Anna Ochiltree.

#2

- Q These are two names Willie and Anna? A Yes, sir.
Q Girl? A Yes, sir.
Q How old is she? A Thirteen.
Q The next? A Carrie Ochiltree.
Q Girl? A Yes, sir.
Q How old is Carrie? A Four years old.
Q Any others? A Sterling Ochiltree.
Q Boy? A Yes, sir.
Q How old? A He is two years old.
Q Is Julia the mother of these children? A Yes, sir.
Q You are the father? A Yes, sir.
Q Are they living with you at your home? A Yes, sir.
Q Are you and your wife living together? A Yes, sir.
Q Were either of you married before you married each other? A No, sir.
Q You claim for yourself and children do you? A Yes, sir.
Q Have you evidence of the marriage of yourself and wife? A No, sir.
Q Intend to introduce it later? A --- (by attorney; Yes)

A reasonable time will be allowed for that purpose.

- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and any of your children to the Choctaw tribal authorities? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes for yourself and any of your children under the act of Congress of June 10, 1896? A No, sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
Q Do you now come before the Commission to be identified and for the identification of these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
Q Do you understand that article of that treaty? A No, sir.

The treaty of Dancing Rabbit Creek as it is some times called or the treaty of Eighteen hundred and thirty, was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th of September 1830 and was afterwards, on the 24th of February 1831, ratified. The object of the treaty was to remove all the Choctaw Indians as far as practicable from the Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became rumored about that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory and after this fact was known an effort was made to put something into the treaty of 1830 that should protect the interest of these Choctaw Indians who should elect to remain back in the old Choctaw Nation, and therefore article fourteen was drafted and put into the treaty of 1830. Article fourteen was made for the especial benefit of those Choctaw Indians who stayed back there in the old Choctaw Nation and who are now known as Mississippi Choctaws, together with their descendants. Article fourteen is, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age to adjoin the location of the parents. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that now? A Yes, sir.
- Q Did any of your ancestors comply or attempt to comply with any of the provisions of that article? A My grandfather did.
- Q What was his name? A His name was John Ockiltree.
- Q How do you spell that? A J-o-h-n--O-c-k-i-t-t-r-e-e.
- Q Did he live in Mississippi in 1830? A Yes, sir.
- Q How much Choctaw blood did he have? A He was a full blood.
- Q How old would he be if living now? A I don't know sir.
- Q Do you know if he claimed through both of his parents; did they both have Choctaw blood? A Yes, sir.
- Q They were full bloods were they? A Yes, sir.
- Q You know what the name of his father was? A No, sir.
- Q You know the name of his mother? A No, sir.
- Q You know where he was born? A No, sir.
- Q Did you say he lived in Mississippi in 1830 and was the head of a family there then? A Yes, sir.
- Q What proof have you of that fact? A Well I have heard my father say so.
- Q Your father's name is John W. Ockittree? A Yes, sir.
- Q I notice that you give this name as John O-c-k-i-t-t-r-e-e and you spell your own name as O-c-h-i-l-t-r-e-e? A No, sir; I spell my name O-c-k-i-t-t-r-e-e.
- Q You have had some brothers and sisters who spell it O-c-h-i-l-t-r-e-e? A Well some spell it one way and some another.
- Q Now then spell it just as you want it now? A O-c-k-i-t-t-r-e-e.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Yes, sir.
- Q They owned improvements on land there? A My grandfather.
- Q John Ockittree? A Yes, sir.
- Q Do you know where these improvements were located? A No, sir.
- Q How do you know he owned improvements on lands in Mississippi? A I heard my father say so.
- Q Did he or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent whose name was Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A Yes, sir.
- Q How do you know that? A I heard my father say so.
- Q Did he tell you anything further about it? A No, sir he did not tell me anything more.
- Q Give you any particulars? A No, sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation, to the Choctaw Nation Indian Territory with the other

- Indians between 1833 and 1838 or forty? A I don't know.
- Q Did any of your Choctaw ancestors claim any land or any benefits in Mississippi or Alabama under the treaty of 1830? A My grandfather.
- Q Under the treaty of 1830? how do you know that? A I heard my father say so.
- Q You got that information through your father? A Yes, sir.
- Q Did any of your Choctaw ancestor claim any land in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors claim any benefits as Choctaw Indians under any treaty made between the United States government other than the treaty of 1830? A I don't know sir.
- Q Your father is dead? A Yes, sir.
- Q How old would he be if living now? A He would be seventy or seventy-two years old.
- Q Where was he born? A I don't know I think in Mississippi.
- Q You know whether he was born in Mississippi? A Yes, I come to recollect he was.
- Q Are you sure he was born in Mississippi? A Yes, sir.
- Q You said a moment ago that you did not know? A I remember now I heard him say he was.
- Q Do you know where he died? A Bastrop County.
- Q When did he die? A About twenty some odd years ago.
- Q In Bastrop County Texas? A Yes, sir.
- Q Can you recollect any more what he told you about his father having land in Mississippi or being entitled to land as a Choctaw Indian? A No, sir; I cannot.
- Q Did he tell you that his father occupied land there which he got from the government? A Yes, sir.
- Q What became of that land? A I don't know.
- Q Did your father ever tell you what became of it? A No, sir.
- Q Did he ever tell you that he lived upon it himself? A No, sir.
- Q You say you have received this information in regard to your grandfather John Ockittree through statements made to you by your father? A Yes, sir.
- Q Did you ever understand from him that the name of your grandfather John Ockittree was upon any list of claimants who received benefits at all as Choctaw Indians or otherwise? A Yes, sir.
- Q To attorney:
- Q What do you claim with reference to that Mr. McRae.

By attorney:

I claim that the applicants information is through his father relative to his grandfather being a beneficiary under any of the treaties or supplementaries thereto; that is he was a beneficiary the applicant would be entitled to it through his father John William Ockittree

By the Commission.

- Q Well do you claim as attorney for this applicant as he himself claims that his grandfather's name appears as a beneficiary upon any list contained in volume 7 American State Papers?

By attorney.

Yes, sir.

By the Commission.

Is it a list contained on page 682 of volume 7, American State Papers, Public lands.

By attorney.

That is correct, Yes, sir.

By the Commission.

- Q Your claim then Mr. Ockittree is through your grandfather who you claim is John Ockittree whose name appears on page 682, volume 7, American State Papers? A Yes, sir.
- Q How do you know that your grandfather is the identical John Ockittree whose name appears in this list of persons claimst to Military Donations of 100 acres, granted by the governors to the militia men in Vincennes on August 1, 1790? A My father told me so
- Q Told you that his father received a military donation of 100 acres of land in Vincennes? A I don't remember of him telling me that.
- Q Well do you remember enough about it to know that this is the same person? A Yes, sir.
- Q This seems to be a list of those who had done military duty; do you so understand it? A Yes, sir.

The Choctaw Indians who remained back in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Coloent Ward failed to register upon his list known as Ward's register. His neglect to do so caused a good many Choctaw Indians who had land in Mississippi upon which they had improvements to lose both their land and the improvements which they had upon it. Both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that Congress in 1837 by an act approved March 3rd of that year appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. In 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23rd of that year and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under that treaty; did you ever hear? A Yes, ~~some~~ grandfather did.
- Q John Ockittree? A Yes, sir.
- Q This same John Ockittree whose name appears in this list of military donations of this land? A No, sir; I don't believe he did.
- Q A little while ago you claimed that your grandfather made application to Colonel Ward claiming benefits as a Choctaw Indian

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- under article fourteen; did you not? A Yes, sir.
- Q Well now do you mean that as the result of that application he made to Colonel Ward he became a donee under this list of military donations of 100 acres of land as shown on page 682, volume 7, American State Papers? A Yes, sir.
- Q Do you understand or speak the Choctaw language? A No, sir.
- Q Have you any other evidence you want to introduce now at this time? A ---

By attorney.

Comes now attorney for applicant and offers in support of this application the testimony--deposition, taken in his brother's case number 4552, James Ochiltree and also that of his brothers and sisters who have already applied.

By the Commission.

Do you mean you have that testimony ready now to file in this case or that you want to have this case considered with the cases of other relatives who have already made application?

By attorney.

Yes, sir.

By the Commission.

This case will be consolidated with and considered together with the cases of his other relatives who have made application to be identified as Mississippi Choctaws claiming through the same common ancestor; any depositions that are taken however should be filed, either the original deposition or certified copy of the proceeding.

By attorney.

Yes, sir.

By the Commission.

- Q Is there anything more you want to say in support of this claim? A No, sir.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry composed of Indian, white and negro blood, the Indian predominating as shown by his manner which is that of an Indian rather than that of a white or negro. His caste of features, color of hair and eyes and complexion show strongly the Indian blood which he claims is Choctaw. It would seem to the Commission that he had the quantity of Indian blood which he claims. He also claims one-quarter Negro blood and one-quarter white. He does not understand the Choctaw language and claims that he has received information through his father that his grandfather John Ochiltree complied with article fourteen of the treaty of 1830 and refers to a list contained on page 682, of volume 7, American State Papers as proof of that statement.

By attorney.

Q Ockittree do you make this application in good faith with the intention of entering upon lands of the Choctaw Nation in Indian Territory, as a Mississippi Choctaw, under the rights under which you claim? A Yes, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 21, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 21, 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 19th day of April 1902.

Clara Mitchell Wood

Notary Public.

COPY.

Muskogee, Indian Territory, December 1, 1902.

William Ockittree,

Austin, Texas.

Dear Sir:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Ochiltree, et al., embracing the following applications for identification as Mississippi Choctaws:

James Ochiltree, et al.,	M.C.R. 4562
Mary Thompson, et al.,	M.C.R. 4968
William Ockittree, et al.,	M.C.R. 4995
George Ockittree, et al.,	M.C.R. 4996
Sarah Robinson, et al.,	M.C.R. 4900
Philip Ochiltree,	M.C.R. 4899
William Gage,	M.C.R. 5668
Isaac Ockittree, et al.,	M.C.R. 6239
Elisa Kilpatrick,	M.C.R. 6335
Louisa E. Burgess,	M.C.R. 4335
Abraham E. Halliday, et al.,	M.C.R. 6341

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Ockiltree, Bessie Ockiltree, Baulah Ockiltree, Viola Ockiltree, Mary Thompson, Frank Thompson, Winnie Thompson, Fannie Thompson, Charley Thompson, Mamie Thompson, Arthur Thompson, Lillie Thompson, Earnest Thompson, Sam R. Thompson, Etta May Thompson, Morgan Thompson, William Ockittree, Willie Anna Ockittree, Carrie Ockittree, Sterling Ockittree, George Ockittree, George Ockittree, Jr., Walter Ockittree, Thomas Ockittree, Leila Ann Ockittree, Howard Ockittree, Van Ockittree, Lavinia Ockittree, Chester Ockittree, Ernest Ockittree, Sarah Robinson, Mary Robinson, Allie Robinson, Sallie Robinson, Lee Roy Robinson, Philip Ockiltree, William Gage, Isaac Ockittree, George Ockittree, Mary Ockittree, Joseph Ockittree, Effie Ockittree, Sarah Ockittree, Eliza Kilpatrick, Louisa E. Burgess, Abraham E. Halliday and Theron Halliday as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Jame Dixie

Acting Chairman.

Registered.

H.C.R. 4996

COPY.

Muskogee, Indian Territory, March 23, 1903.

William Oakittree,

Austin, Texas.

Dear Sir:

You are hereby notified that on the 12th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of James Ochiltree, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

(SIGNED)

Tamc Ditty.
Chairman.

M C R 4005
M C R 4905
M C R 4220

Washoe, Indian Territory, March 21, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of James Ochiltree, et al., the record therein, together with the decision of the Commission refusing the several applicants in said case, was, on December 17, 1902, transmitted to the Department.

On March 12, 1903, the Secretary of the Interior approved the decision of the Commission in this case, notice of such departmental action being furnished the applicants on March 23, 1903.

On this date the Commission received from John Andrewartha, agent for William and Isaac Ochiltree, applicants in said consolidated case, a sworn petition praying for a rehearing in the matter of the applications of Isaac and William Ochiltree, et al. Said petition is herewith transmitted.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

MM 76

M C R 4332

M C R 4995

M C R 6239

Muskogee, Indian Territory, March 21, 1908.

John Andrewartha,

2108 West 8th Street,

Austin, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, enclosing the sworn petition of Wm. and Isaac Ookittree, praying for a rehearing in the matter of their applications for identification as Mississippi Choctaws, said applications being included in the consolidated Mississippi Choctaw case of James Ochiltree, et al. Said petition has this day been forwarded to the Secretary of the Interior.

Respectfully,

Chairman.

No. 4935

For Identification as a Mississippi Choctaw.

Date

DEC 21 1902

Name

William ~~Ochiltree~~ ^{Ockittree}

Age

40 — Blood $\frac{1}{2}$

Post Office,

Austin, Texas,

Father:

John W. ~~Ochiltree~~ ^{Ockittree}, d.

Mother:

Winnie ^{$\frac{3}{4}$ w.} $\frac{1}{4}$ neg. d.

Claims through

wife

father ^{Ockittree}
Julia ~~Ochiltree~~, l. neg.

No claim for wife

Children:

Willie Anna " F. 13

Carrie " " 4

Sterling " M. 2

Claims for
self and children.

Enographer G. R. R. R.

One copy testimony
to G. S. McRae

MAY -3 1902

Choctaw MCR 4996

George Oakittree

MCR 4996

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 21, 1902.

4996

In the matter of the application for identification as Mississippi Choctaws of George Ockittree for himself and his nine minor children, George, Walter, Thomas, Lelia Ann, Howard, Van, Lavinia, Chester and Ernest Ockittree.

A. S. McRae attorney appearing for applicants.

George Ockittree being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A George Ockittree.
Q How do you spell that? A O-c-k-i-t-r-e-e.
Q Do you spell it with one or two t's? A I spell it with one T.
Q Your brother puts two T's in it; don't you want to spell it that way? A Yes; you can put two T's in it.
Q What is your age? A Forty-two.
Q What is your post office address? A Bastrop, Texas.
Q How long have you lived at Bastrop? A Raised there.
Q Always lived there? A Yes, sir.
Q Father living? A No, sir.
Q Mother living? A No, sir.
Q What was your father's name? A John William Ockittree.
Q Your mother's name was what? A Winnie Ockittree.
Q You claim your Choctaw blood through which parent, father or mother? A Father.
Q How much do you claim? A I claim one-half.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Have you proof of the marriage of your father and mother with you? A No, sir.
Q Can you introduce it later if given time? A Yes, sir.
Q You know when they were married? A Yes, sir, I don't know exactly.
Q or where? A In Bastrop I think.
Q How old would your father be if living now? A Seventy or seventy-two I think.
Q Where was he born? A Mississippi.
Q From there he went to Texas? A Yes, sir.
Q Did he live on any land in Texas which his father had received from the government? A In Texas?
Q I mean in Mississippi? A Yes, I heard him say he did.
Q Live upon land? A Yes, sir.
Q Himself? A Yes, when he was a boy.
Q That his father received from the government in Mississippi? A yes, sir.

#2

- Q You heard him say that did you? A Yes, sir.
Q Where was that land located? A I don't know where it was located.
Q What became of it? A I don't know.
Q Are you married? A Yes, sir.
Q Is your wife a white woman or Negro? A Negro.
Q She is living? A Yes, sir.
Q What is her name? A Elsie Ockittree.
Q E-l-s-i-e? A Yes, sir.
Q You make no claim for her? A No, sir.
Q Have you any children that you want to make application for? A Yes, sir.
Q How many? A Nine.
Q What is the name of the eldest? A George
Q How old is George? A Seventeen.
Q Next? A Walter.--- Fifteen.
Q Next? A Thomas.
Q Boy? A Yes, sir.
Q How old is Thomas? A He is thirteen.
Q Next? A Lelia Ann.
Q How old is she? A Eleven
Q Next? A Howard.
Q How old? A Nine,---Van.
Q V-a-n? A Yes, sir.
Q How old? A Seven.
Q Next? A Lavinia.
Q How old? A Five.
Q The next? A Chester.
Q How old? A He is three years old.
Q Next? A Ernest.
Q E-r-n-e-s-t? A Yes, sir.
Q How old is Ernest? A One-year old.
Q Is Elsie the mother of these children? A Yes, sir.
Q You are the father are you? A Yes, sir.
Q Were either you or your wife married before you married each other? A No, sir.
Q When and where were you married to your wife? A In Gonzales, County, Texas.
Q By a minister and under a license? A Yes, sir.
Q Have you proof of that marriage with you? A No, sir.
Q You think you can produce that later? A Yes, sir.

A reasonable time is allowed for that purpose.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896, for yourself and children? A No, sir.
Q Did you ever make application for citizenship for your children to the Choctaw tribal authorities? A No, sir.
Q Were you ever admitted to citizenship with your children as members of the Choctaw tribe of Indians by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
Q Do you now come before the Commission to identify yourself and your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.

#3

Q Do you understand that article of that treaty? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians who lived in the old Choctaw Nation which was partly in Mississippi and partly in Alabama, on the 27th of September 1830. The object of that treaty was the removal of the Choctaw Indians who lived in that old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect their interest and preserve their rights some provision had to be made in that treaty before it was signed and article fourteen was drafted to put into that treaty. That article was made for the especial benefit of Mississippi Choctaw Indians and reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article? A I think my grandfather did.
- Q What was his name? A John Ockittree.
- Q How do you spell that name? A O-c-k-i-t-t-r-e-e.
- Q How much Choctaw blood did he have? A Full blood.
- Q Did he speak the Choctaw language? A Yes, he could speak it. I reckon he-- I don't know whether he could or not. I heard my father say that.
- Q Did your father speak the Choctaw language? A Yes, he could speak it some.
- Q How much Choctaw blood did your father have? A Full blood.
- Q He was born where? A In Mississippi.
- Q You remember where in Mississippi he was born? A I do not.
- Q You remember how old he was when he left Mississippi? A I think ten or twelve years old.
- Q He went from Mississippi to where? A He went to Texas; he went to Louisiana first I don't know how long he stayed there.
- Q He died in Texas did he? A Yes, sir.
- Q At what age did he die in Texas? A I don't know what age it was when he died.
- Q Can you tell about how old your father would be if living now? A About seventy or seventy-two I think.
- Q Do you claim he was born in Mississippi? A Yes, sir.
- Q Did he have any older brothers or sisters? A I think he did.
- Q You claim then that your grandfather was living and had a family in Mississippi in 1830? A Yes, sir.

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- Q What proof have you that he within six months from the ratification of the treaty of 1830 went to the United States Indian Agent Colonel Ward and told him that he intended to stay in Mississippi, take land there and become a citizens of the United States? A I heard my father say so.
- Q You heard your father say that? A Yes, sir.
- Q Did he then afterwards get land in Mississippi? A Yes, I think he did.
- Q As the result of his having gone to the United States Indian Agent at that time under article fourteen? A Yes, sir.
- Q Do you know whether his name appears upon any list as a donee of land located either in Mississippi or in Vincennes or in Indiana or anywhere else? A Yes, sir.
- Q Do you claim that that list is contained in volume 7, American State Papers? A Yes, sir.

On page 682, of volume 7, American State Papers, under the head of "A list of Military Donation of one-hundred acres granted by the governors to the militiamen in Vincennes on August 1, 1790" appears in in the third column under the head of proven claims the name of John Ockittree.

- Q Is this the John Ockittree whom you claim was your grandfather? A Yes, sir.
- Q And is this the list you refer to when you say that he received benefits under article fourteen of the treaty of 1830? A Yes, sir.
- Q This donation of one-hundred acres of land grants, under this list, is the benefit you claim he received? A Yes, sir.
- Q When your father told you that his father John Ockittree was a Choctaw Indian in Mississippi and received this land by complying with article fourteen this is the benefit you refer to and the proof you also refer to? A Yes, sir.
- Q Did your father ever tell you that his father John Ockittree had done military duty? A I don't remember hearing him say anything about that.
- Q Did you ever hear that he was enrolled as a militia man at Vincennes on August 1, 1790? A No, sir; I did not hear that.
- Q Did you ever hear that John Ockittree or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I heard my father say that my grandfather did.
- Q Well you are now referring to this donation of one-hundred acres of land referred to in this volume 7? A Yes, sir.
- Q Did any of your Choctaw ancestors claim any land in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No, sir, I don't think they did.
- Q Did any of your Choctaw ancestors claim through any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830, any other treaty? A No, sir not as I know of.

The Choctaw Indians who stayed back there in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to do so caused a good many Indians who had land in Mississippi upon which they had

they had improvements to lose both the land and the improvements; both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837 by an act approved March 3rd of that year a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress under an act approved August 23rd of that year. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians either the Commission of 1837 or the Commission of 1842? A No, sir; I don't think they did.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which they had formerly held in Mississippi and which the government had taken from them and sold. Did you ever hear that they got any scrip? A No, sir; I never did.
- Q This scrip was issued under an act of Congress approved August 23rd 1842. Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws? A My brother.
- Q What is his name, James Ochiltree? A Yes, sir.

Reference is here made to James Ochiltree M.C.R. 4552.

- Q Another brother of yours appeared to-day did he not? A Yes, sir.
- Q Your brother William and you spell your name O-o-k-i-t-t-r-e-e do you not? A Yes, sir.
- Q Your brother James spells his name O-c-h-i-l-t-r-e-e does he not? A I don't know, I reckon he does.
- Q Well that is the way it is spelled in his application; now will you explain this change in the names? A Well I spell it O-o-k-i-t-t-r-e-e.
- Q Well why does your brother spell it different? A I don't know only that we have different ways of spelling it.
- Q There is no special reason except that you spell it differently? Have you any other evidence that you want to introduce at this time? A Yes, sir.

By attorney McRae.

Comes now A. S. McRae attorney for applicant and offers in support of his application for identification the testimony taken by deposition in the case of his brother James Ochiltree number 4552 and such other testimony as may be necessary.

By the Commission.

- Q Have you that deposition with you now

By attorney.

No, sir.

By the Commission.

- Q Whose deposition is it?

By attorney.

James Ochiltree.

By the Commission.

- Q He has already testified in his own application; you don't mean that you are going to take his deposition?

By the attorney.

No, sir; a copy of his testimony.

By the Commission.

- Q What you mean is that you would like to have the testimony given by him, the brother of this applicant, James Ochiltree considered by the Commission and taken in connection with this testimony when this case is considered by the Commission.

By attorney.

Yes, sir.

By the Commission.

That will be done.

- Q Do you speak or understand the Choctaw language? A No, sir.
Q Is there anything more you want to say in support of this claim? A No, sir.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry; one-half Indian; one-quarter white and one-quarter negro. He appears to have more Indian blood than negro or white and claims that it is one-half Choctaw Indian; His color, color of his features copper, his hair is black and perfectly straight; black eyes; thin features. He shows strongly the Indian blood and perhaps shows negro a little more than his brother William but not to any great extent; he does not understand the Choctaw language. He claims a compliance on the part of his ancestor with the provisions of article fourteen of the treaty of 1830 but refers in proof of that statement in his testimony to a list of military donees who received a grant of one-hundred acres of land at Vincennes August 1, 1790, for performing military duty. Further than this he has no knowledge of compliance on the part of his ancestor with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full, all the proceedings had in the above entitled cause on March 21, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 21, 1902.

Subscribed and sworn to before me this 19th day of April 1902.

G. Rosenwinkel

Chas. M. Tuller

Notary Public.

COPY.

Muskegee, Indian Territory, December 1, 1902.

George Ockittree,

Eastrop, Texas.

Dear Sir:

You are hereby advised that on the 1st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Ochiltree, et al., embracing the following applications for identification as Mississippi Choctaws:

James Ochiltree, et al.,	M.C.R. 4552
Mary Thompson, et al.,	M.C.R. 4968
William Ockittree, et al.,	M.C.R. 4995
George Ockittree, et al.,	M.C.R. 4996
Sarah Robinson, et al.,	M.C.R. 4900
Philip Ochiltree,	M.C.R. 4899
William Gage,	M.C.R. 5665
Isaac Ockittree, et al.,	M.C.R. 6239
Eliza Kilpatrick,	M.C.R. 6335
Louisa R. Burgess,	M.C.R. 6336
Abraham E. Halliday, et al.,	M.C.R. 6341

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Ochiltree, Bessie Ochiltree, Baulah Ochiltree, Viola Ochiltree, Mary Thompson, Frank Thompson, Winnie Thompson, Fannie Thompson, Charley Thompson, Mamie Thompson, Arthur Thompson, Lillie Thompson, Earnest Thompson, Sam R. Thompson, Etta May Thompson, Morgan Thompson, William Ockittree, Willie Anna Ockittree, Carrie Ockittree, Sterling Ockittree, George Ockittree, George Ockittree, Jr., Walter Ockittree, Thomas Ockittree, Leila Ann Ockittree, Howard Ockittree, Van Ockittree, Lavinia Ockittree, Chester Ockittree, Ernest Ockittree, Sarah Robinson, Mary Robinson, Allie Robinson, Ballie Robinson, Lee Roy Robinson, Philip Ochiltree, William Gage, Isaac Ockittree, George Ockittree, Mary Ockittree, Joseph Ockittree, Effie Ockittree, Sarah Ockittree, Eliza Kilpatrick, Louisa E. Burgess, Abraham E. Halliday and Theron Halliday as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamc Ditty.
Acting Chairman.

Registered.

M.C.R. 4996

COPY.

Muskogee, Indian Territory, March 23, 1903.

George Ockittree,
Bastrop, Texas.

Dear Sir:

You are hereby notified that on the 12th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of James Ochiltree, et al., of which decision you were advised by registered mail on the 1st day of December, 1902.

Respectfully,

James D. Kirby.
Chairman.

Muskogee, Indian Territory, March 29, 1904.

Redwine & Jones,

Attorneys-at-Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 24th instant in which you ask to be advised of the status of Mississippi Choctaw case of George Ockiltree, Sr., et al. You ask if this case is included in those Mississippi Choctaw cases wherein the Commission has been recently enjoined from making allotments.

In reply to your letter you are informed that on March 12, 1903, the Secretary of the Interior approved the decision of the Commission, refusing the application made by George Ockiltree to this Commission for the identification of himself and his minor children, George, Walter, Thomas, Lelia Ann, Howard, Van, Lavinia, Chester and Ernest Ockiltree, as Mississippi Choctaws, of which Departmental action George Ockiltree, Sr. was duly notified on March 23, 1903.

The Commission now considers this case closed, and it is not believed that these applicants are in any manner entitled to possessory rights in the tribal property of the Choctaw and Chickasaw

R. & J., 2.

Nations.

You are further informed that this case was in no way connected with certain Mississippi Choctaw cases wherein the attorneys for the Choctaw and Chickasaw Nations secured an injunction against the Commission from making allotments to duly identified Mississippi Choctaws.

Respectfully,

Commissioner in Charge.

MUR 4899
MUR 4996

Muskogee, Indian Territory, December 8, 1906.

W. W. Tocker, M. D.,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, asking if Geo. and Philip Archeltree have been enrolled.

In reply you are informed that George Ockiltree and Philip Oohiltree appear upon the records of this office as rejected Mississippi Choctaw claimants, their applications having been refused by the Commission to the Five Civilized Tribes and the Secretary of the Interior. Therefore it is not believed that they have any right whatever to share in the distribution of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Acting Commissioner.

No. 4998

For Identification as a Mississippi Choctaw.

Date

MAR 21 1902

Name George Ockittree

Age 42

Blood

$\frac{1}{2}$

Post Office, Bastrop, Texas

Father: John W. Ockittree, d

Mother: Winnie " , d

Claims through father

Wife - Elsie Ockittree, nee. l.

No claim for wife

Children: George Ockittree, 17

Walter " 15

Thomas " 13

Lelia Ann " 11

Howard " 9

Van " 7

Lavinia " 5

Chester " 3

Ernest " 1

Claims for self and children

Stenographer E. Roemondel

One copy testimony
to G. J. Mc. Rae.

MAY -3 1902

George O'Hiltree et al
REFUSED

DECISION RENDERED. DEC-1 1902

NOTICE OF DECISION MAILED APPLICANT.

R. 4996 DEC 1 - 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS

DEC 1 - 1902

NOTICE OF DECISION FORWARDED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

DEC 1 - 1902

RECORD FORWARDED DEPARTMENT.

DEC 17 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 12 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

MAR 23 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

MAR 23 1903

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

MAR 23 1903

REFER TO R. C. R. 4-802

Choctaw MCR 4997

Horace R. Pierson

MCR 4997

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.

In the matter of the application of Horace R. Pierson, et al., for identification as Mississippi Choctaws, M.C.R. 4997.

----- I N D E X -----

List of papers forwarded to the Secretary of the Interior embracing the record in the case of Horace R. Pierson, et al.,

	Page.
Original application of Horace R. Pierson, et al., taken before the Dawes Commission for identification as Mississippi Choctaws, - - - - -	1
Decision of the Commission refusing the application of Horace R. Pierson, et al., for identification as Mississippi Choctaws, - - - - -	7

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 21, 1902.

4997

In the matter of the application for identification as Mississippi Choctaws of Horace R. Pierson for himself and his six minor children, Rescoe, Horace Jr., Bessie, Minnie, Willis and Harry Pierson.

Applicants not represented by attorney.

Horace Pierson being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Horace R. Pierson.
Q What is your age? A Thirty-five.
Q What is your post office address? A Guthrie, Oklahoma.
Q How long have you lived there? A Nine years.
Q Where did you live before you lived at Guthrie? A Dermouth, Arkansas.
Q Were you born in Arkansas? A Born in Mississippi.
Q What place in Mississippi? A Gallatin
Q How long did you live in Mississippi? A Fourteen years.
Q Then you went where? A Arkansas.
Q And lived there how long? A About twelve years.
Q From there you went where? A To Guthrie.
Q Is your father living? A My father is dead.
Q Is your mother living? A She is dead.
Q What was your father's name? A E. G. Peyton.
Q What was your mother's name? A Elizabeth Pierson.
Q Through which parent do you claim Choctaw blood? A Through her,--through my grandfather.
Q Through your mother? A Yes, sir.
Q How much Choctaw blood do you claim? A About one-half, she was---.
Q How much Choctaw blood did your mother have? A Her father was a full and she was one-half.
Q How much would you claim, one-half of your mother? A Yes, sir.
Q How much would that be? A That would be one-quarter.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A She has not.
Q I notice that you give your father's name as E. G. Peyton; why is it your name is not Peyton? A I go by my mother's name; her last husband was named Pierson.
Q Were your father E. G. Peyton and your mother Elizabeth legally married? A They were not.
Q And after E. G. Peyton died your mother married again? A She married before he died.
Q Then your father and mother separated and were living apart when your mother married Pierson? A Yes, sir.
Q And you took the name of your mother's husband? A Yes, sir.

#2

- Q Just simply assumed that name? A Yes; by her request.
- Q You did not go through any legal process to have that name given you? A No, sir.
- Q What was M. G. Peyton's blood? A White.
- Q What was your mother's blood other than her white blood? A She was negro,--Ooteroon.
- Q You claim that your mother had Negro, white and Indian blood? A Yes, sir.
- Q Are you married? A I am not, I have been, but my wife is dead.
- Q What was her name? A Elizabeth King was her first name.
- Q When did she die? A In '85.
- Q What was her race? A She was part Indian and part colored.
- Q Indian and Negro? A Yes, she was Ooteroon..
- Q She had white blood then? A Yes, more Indian though.
- Q How many children have you that you want to make application for? A Six.
- Q What is the name of the oldest? A Roscoe Pierson, age fifteen.
- Q What is the name of the next? A Horace Pierson Junior, eleven years old.
- Q What is the name of the next? A Bessie.
- Q How old is Bessie? A Nine.
- Q What is the name of the next child? A Minnie Pierson.
- Q How old is she? A Yes, sir. She is six.
- Q What is the name of the next? A Willie.
- Q That a boy? A Yes, sir.
- Q How old is Willie? A For.
- Q Next? A Harry.
- Q How old is Harry? A Two.
- Q That is all? A Yes, sir.
- Q You claim for yourself and children do you? A Yes, sir.
- Q Is Elizabeth Pierson the mother of these children? A No, sir.
- Q Who is the mother of these children? A Lula G. Pierson.
- Q She is the mother of all these children? A Yes, of all the children.
- Q Were you married to her? A Yes, sir.
- Q Was she your first wife? A Yes, sir.
- Q Elizabeth was your second wife? A Elizabeth was my mother.
- Q When asked for the name of your wife a little while ago you gave the name as Elizabeth King, did you understand the question? I did not.
- Q Elizabeth King was your mother's maiden name? A Yes, sir.
- Q Your wife's name then is what? A Lula G. Pierson?
- Q You want to make that change? A Yes, sir.
- Q Was she the mother of these children? A She was.
- Q Was she ever married previous to her marriage to you? A No, sir.
- Q Were you ever married previous to your marriage to her? A No, sir.
- Q When and where were you married to your wife Lula? A Dermouth, Arkansas.
- Q You remember the day and the month? A 27th of October '85.
- Q By a minister and under a license? A Yes, sir.
- Q Have you the marriage license and certificate of your marriage to your wife Lula G. King here? A I have at home.
- Q You think you can produce it? A Yes, sir.

A reasonable time will be given this applicant to prove his marriage to his wife in support of his application for these minor children.

- Q Is your name or the names of any of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A I don't know just what the claim is.
- Q You don't understand about that article fourteen or about the treaty itself? A No, sir.

The treaty of 1830, some times called the treaty of Dancing Rabbit Creek, because it was made in Mississippi at a place called Dancing Rabbit Creek on the 27th day of September of that year and was made for the especial purpose of moving all the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory. Before the treaty was signed it became rumored that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory and this having been found to be true some provision was made for them in article fourteen of the treaty of 1830; that provision is embraced in an article numbered fourteen of that treaty and was passed for the especial benefit of Mississippi Choctaw Indians and their descendants. The article is, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A I knew my grandfather lived there until he died.
- Q You know your grandfather lived in Mississippi? A Yes, sir.
- Q What was his name? A Jasper King.

- Q How much Choctaw blood did he have? A He was full blood.
- Q Did he live in Mississippi in the year 1830? A Yes, sir.
- Q Was he the head of a family there then? A He was; he was there I guess he was about that time.
- Q You think he was in Mississippi at the time of the treaty? A Yes sir.
- Q What relation to you was he? A Grandfather.
- Q Your mother's father? A Yes, sir.
- Q How old would he be if living now? A Why I could not say he died in sixty-eight and he was pretty old when he died, possibly between fifty-eight and sixty.
- Q Where was he born? A His home was always in Meridian.
- Q Meridian Mississippi? A Yes, sir.
- Q Did he have a Choctaw Indian name or speak the Choctaw language? A He spoke the Choctaw language.
- Q What was his occupation and business? A In the Winter time he done hunting and made canes and in the Summer time he done some farming.
- Q You say he lived at Meridian? A Yes, about there somewhere; not in town but close by.
- Q Did your mother ever live in Mississippi? A She was born there and died there.
- Q How old is your mother now? A She was about forty-six when she died.
- Q Did she have any older brothers or sisters? A One sister older.
- Q How much older? A Not older but younger.
- Q Did you say your mother had an older sister? A No, my mother was the oldest.
- Q Do you know whether your grandfather Jasper King claimed through his father or mother or both? A Through both.
- Q Can you give the name of his father? A I cannot.
- Q Can you give the name of his mother? A No, sir; I know his sister.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I can't say positively they had a home at Meridian after sixty-five or sixty-seven.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent in Mississippi, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I think so, they claimed to be citizens.
- Q Well did you ever hear that any of your ancestors went to Colonel Ward within six months after the treaty was ratified that is, within six months after February 24, 1831, and told Colonel Ward that they intended to stay in Mississippi, take land there and become citizens of the United States? A I can't say as to Colonel Ward but I heard them say that they claimed to be citizens of Mississippi.
- Q Did you know Jasper King? A Yes, sir.
- Q You met him yourself? A Yes, when I was very small.
- Q Did you ever hear him say anything about it? A Yes, at one time.
- Q What did he say? A He said he was at a Political meeting at Gallatin and somebody told him he was not a citizen and he said he was.
- Q Did he say he was a citizen of the State of Mississippi? A Yes, sir.
- Q You mean then that he was a citizen of the state of Mississippi? Yes, sir.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A Why they owned land there.

#8

- Q Under article fourteen? A Yes, sir.
- Q What proof have you of that fact? A I have no proof except from them.
- Q Except what? A From these relatives.
- Q Except what you have heard in the family? A Yes, sir.
- Q Where was this land located? A Near Meridian.
- Q How much land was that? A I could not say positively.
- Q What proof have you that that land was obtained from the government under article fourteen? A I have no positive proof only from hearsay.
- Q Did any of your Choctaw ancestors claim any land in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't think they did.
- Q Do you know what became of the land which you say your ancestor possessed near Meridian? A Why I guess it is there now if some one in the family did not get it.
- Q He died and it passed out of the family? A He had a large family.
- Q Did your mother get any of it? A No, sir.
- Q I wonder why she did not get some of that land? A She did not want to go up there. I left home when I was fourteen I can't tell much about it.

The Choctaw Indians who remained in Mississippi after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His failure to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and the improvements they had for the government took them both and sold them at its public land sales. The government did this because their names did not appear upon Ward's list which was the only proof that they had a right to occupy land after the treaty of 1830 was ratified. This neglect on the part of the United States Indian Agent to make a proper record of the names of all of these applicants who attempted to register before him under article fourteen caused a good many complaints and was the result of these complaints made Congress appointed a Commission in 1837 under an act approved March 3rd of that year. This Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 Congress appointed another Commission under an act approved August 23rd 1842 and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I think they did.
- Q Who told you so? A Proof from my grandfather.
- Q You never knew him? A Yes, but not very well.
- Q Well did he tell you that he went before either of these two Commissions? A No, sir; only that he had a home there.
- Q Did you ever hear anybody say that your grandfather went before either of these two Commissions? A No, sir; no particular person.

- Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians which entitled them to select land in either Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they claimed they had in Mississippi and which the government had taken from them and sold at its public land sales? A I can't say.
- Q This scrip was issued under an act of Congress approved August 23rd 1842. Have you had any relatives who have appeared before this Commission claiming through Jasper King who have been here to be identified? A I can't say; I think some may have been here.
- Q What are the names of some who you think may have been here? A Jasper King and his mother is Nancy King.
- Q Have you any documentary or any other proper evidence you want to present now in support of this claim? A No, sir.
- Q You care to have any time in which to present any? A I think only that marriage certificate.
- Q Do you think that fifteen days will be sufficient for that? A Yes, sir.

Fifteen days time is granted this applicant in which to present further testimony in support of this claim.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q You claim one-quarter Choctaw blood? A Yes, sir.
- Q You also claim white and Negro blood? A Yes, sir.
- Q How much white blood? A About one-sixteenth I reckon.

This applicant has the appearance and physical characteristics of being descended from mixed parentage; Choctaw, white and Negro blood, the white and the Indian predominating, the white predominates perhaps more than any other, yet his complexion shows a mixture of other blood besides white. It would seem that he has the quantity of Choctaw blood which he claims. His eyes are dark brown; his hair is black. He has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 21, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 19th day of April 1902.

Clarence H. Wood

Notary Public.

J.F.W.
C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Horace R. Pierson, et al., for identification as Mississippi Choctaws, M.C.R. 4997.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Horace R. Pierson for himself and his six minor children, Rescue, Horace Jr., Bessie, Minnie, Willie and Harry Pierson, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of one Jasper King, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants have ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jasper King, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Horace E. Pierson, Horace Pierson, Horace Pierson, Jr., Bessie Pierson, Minnie Pierson, Willie Pierson, and Harry Pierson, as Chestaw Indians entitled to rights in the Chestaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REIGNED: Tamie Bixby.
Acting Chairman.

I. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory.

DEC 21 1892

COPY,

Muskogee, Indian Territory, October 21, 1902

Wansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the case of Horace E. Pierson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1902 (32 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Horace E. Pierson, Roscoe Pierson, Horace Pierson, Jr., Beattie Pierson, Minnie Pierson, Willie Pierson and Harry Pierson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the appli-

XXXX

otions for their identification as such should be refused and it is so ordered.*

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamc Dixey.

Acting Chairman.

COPY.

V.C.R.4997

Muskogee, Indian Territory, October 21, 1902

Horace R. Pierson,
Guthrie, Oklahoma.

Dear Sir:

You are hereby advised that on the 21st day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Horace R. Pierson, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Horace R. Pierson, Roscoe Pierson, Horace Pierson, Jr., Bessie Pierson, Minnie Pierson, Willie Pierson and Harry Pierson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

H R P 2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Dixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, November 6, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Horace R. Pierson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 21, 1902.

The Commission has the honor to report that the applicants herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,



Acting Chairman.

Through the

Commissioner of Indian Affairs.

1 enclosure, M C R 4997

(COPY)

Land

DEPARTMENT OF THE INTERIOR,

67807--1902.

Office of Indian Affairs,

Washington, February 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Horace R. Pierson, for himself and his six minor children, Roscoe, Horace, Jr., Bessie, Minnie, Willie and Harry Pierson, for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on October 21, 1902.

The testimony in this case shows that the applicants base their claims to identification as Mississippi Choctaws under this application, because of their descent from Jasper King. The applicants claim that their ancestor was a Choctaw Indian and a resident of the Choctaw Nation in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The Commission rejected the applicants because the name of their ancestor through whom they claim, did not appear among the names of those who complied or attempted to comply with the provisions of the

14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of Jasper King, and it is discovered that his name does not appear among those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the Commission rejecting the applicants was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

(Signed) A. C. Tenner,

Acting Commissioner.

E.B.H.(E.)

(COPY)

D.C. 4806-1903.

DEPARTMENT OF THE INTERIOR.

RAF.

ITD.1236-1903.

Washington.

L R 8

February 17, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 6, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Horace R. Pierson and his minor children, Roscoe, Horace Jr., Bessie, Minnie, Willie and Harry Pierson, including your decision of October 21, 1902, denying the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Jasper King, who is alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Jasper King or an ancestor less remote complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 4, 1903, the Acting Commissioner of

-2-

Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department has carefully reviewed the entire record and hereby affirms the decision rendered.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 4997

COPY.

Muskogee, Indian Territory, February 28, 1903.

Horace R. Pierson,
Guthrie, Oklahoma.

Dear Sir:

You are hereby notified that on the 17th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Horace R. Pierson, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

Tams Bixby.
Chairman.

COPY

Muskogee, Indian Territory, February 28, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 17th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Horace R. Pierson, et al., of which decision you were advised by mail on the 21st day of October, 1902.

Respectfully,

Tamr Dixie
Chairman.

for Identification as a Mississippi Choctaw.

Date

March 1, 1902

Name Horace R. Pierson,

Age 35. Blood 1/4

Post Office, Guthrie, Okla.,

Father: E. G. Peyton, white d

Mother: Elizabeth Pierson, d

Claims through mother --

Wife: ~~Lula C.~~ ~~Elizabeth~~ Pierson (d)
(Ind, white
and colored)

~~Lula Pierson~~

Children:

Roscoe Pierson, 15

Horace " Jr. 11

Bessie " 9

Minnie " 6

Willie " M 4

Harry " 2

Claims for self and
children --

Stenographer G. Rosenwinkel

Choctaw MCR 4998

. Henry E. Dunn.

See MCR 41

MCR 4998

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 21, 1902.

4998

In the matter of the application for identification as Mississippi Choctaws of Henry E. Dunn, for himself and his three minor children, Reubie, Barnie and Opal Dunn.

L. P. Hudson attorney appearing for applicants.

Henry E. Dunn being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Henry E. Dunn.
Q What is your age? A Thirty-three.
Q What is your post office? A Parker, Oklahoma.
Q How long have you lived there? A About ten months.
Q Where did you live before you lived at Parker? A In the Cheyenne Country.
Q Where were you born? A In Mississippi.
Q Where in Mississippi? A Near Fulton, somewhere.
Q When did you leave Mississippi; how old were you when you left Mississippi? A I was quite small; something like two years old.
Q And went where? A Texas.
Q Lived in Texas how long? A Something near fifteen years.
Q Then you went where? A Indian Territory.
Q And lived there how long? A Why I have been out a few times but you might say I lived there all the time until I went to Parker.
Q Is your father living? A Yes, sir.
Q Mother living? A Yes, sir.
Q What is your father's name? A John Dunn.
Q What is your mother's name? A Mary Dunn.
Q Through which parent do you claim Choctaw blood? A Why through my mother.--Well, I claim some through my father and mother both; through my father is where I claim.
Q You want to change then from your mother to your father? A Yes, I claim through my father.
Q How much Choctaw blood do you claim? A One-sixteenth I guess.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities in Indian Territory? A No, sir.
Q When and where were your father and mother married? A Why I would not say positively whether they was married in Mississippi or Alabama; it was one of the two places.
Q You remember the date of their marriage? A No, sir.
Q You think you can introduce that evidence later? A I think so.
Q Are you married? A Yes, sir.
Q Wife living? A Yes, sir.
Q What is your wife's name? A Minnie.
Q Is she a Choctaw Indian or white woman? A White woman.

- Q You make no claim for her as an Indian then? A No, sir.
 Q Have you any children you want to make application for? A Three
 Q What is the name of the eldest? A Reubie.
 Q Girl? A Yes, sir.
 Q R-e-u-b-i-e? A Yes, sir.
 Q How old? A Five years old.
 Q Next? A Barnie.
 Q B-a-r-n-i-e? A Yes, sir.
 Q How old is he? A Three years old.
 Q What is the name of the next? A Opal.
 Q O-p-a-l? A Yes, sir.
 Q Girl? A Yes, sir.
 Q How old? A One years old.
 Q Is Minnie Dunn the mother of these children? A Yes, sir.
 Q Living with you at your home? A Yes, sir.
 Q When and where were you married to your wife Minnie? A Montague
 County, Texas.
 Q You remember the date of month? A September 19,--17 years ago
 Q 1895? A I believe it was 1895.
 Q Have you proof of that marriage with you? A Yes, sir.

(By attorney, September 17, 1894)

- Q You want to introduce proof of your marriage now? A Yes, sir.

Certified copy of the marriage license of the marriage of
 Mr. H. E. Dunn and Miss. Minnie B. McCowan present by this
 applicant, received filed, marked exhibit A and made a part of
 the record in this case.

- Q Is your name on any of the tribal rolls of the Choctaw Nation
 in Indian Territory? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw
 Nation to the Choctaw tribal authorities in Indian Territory?
 A No, sir.
 Q Have you ever made application for citizenship in the Choctaw
 Nation to the Commission to the Five Civilized Tribes under the
 act of Congress of June 10, 1896? A No, sir.
 Q Have you ever been admitted to citizenship in the Choctaw
 Nation by either the Choctaw tribal authorities, the Commission
 the the Five Civilized Tribes or the United States Court in In-
 dian Territory? A No, sir.
 Q Do you now come before the Commission to identify yourself and
 your children as Mississippi Choctaws and claim under article four-
 teen of the treaty of 1830? A Yes, sir.
 Q Do you understand that article of that treaty? A I don't know
 that I do.

The treaty of 1830, some times called the treaty of Dancing
 Rabbit Creek, was made between the United States government, and
 the Choctaw tribe of Indians at a place called Dancing Rabbit
 Creek in Mississippi on the 27th day of September 1830. Before
 the treaty was signed it became known that a good many Choctaw
 Indians would not go to the Choctaw Nation Indian Territory and
 in order to protect the interest of those Indians who elected to
 stay back in the old Choctaw Nation article fourteen was put into
 the treaty of 1830; it was then signed and afterwards on the 24th
 of February 1831 ratified. Article fourteen of that treaty is as
 follows:

Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? Not that I know of sir.
- Q You think you understand that article now well enough to claim under it? A No, sir; I don't exactly understand it.
- Q What is there you don't understand about it. You know what a treaty is don't you? A Yes, sir.
- Q You know it is an agreement made in writing between Nations don't you? A Yes, sir.
- Q You know that the treaty of 1830 was made to get the Choctaw Indians who lived in that old Country East of the Mississippi to go to the Choctaw Nation West of the Mississippi River? A Yes, sir.
- Q And that a good many Indians would not go? A Yes, sir.
- Q Then article fourteen was put into the treaty to protect their interest? A Yes, sir.
- Q It stated that they could get land in Mississippi and live on it for five years and then become owners of it? A Yes, sir.
- Q In order for them to do that they had to go to the United States Indian Agent whose name was Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and live on it? A Yes, sir.
- Q After they lived on it for five years they would get a deed to it from the government. Now, whether they lived on it for five years or not, the question is "Did they comply or attempt to comply with these conditions in this article fourteen" if they did they could afterwards go to the Indian Territory and get land there with the other Indians, you understand that? A Yes, sir.
- Q Did any of your Choctaw ancestors do that? A No, sir; not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandp mother was Amanda Yates, was her maiden name.
- Q What was her married name? A She married Fred Dunn.

By attorney Hudson.

- Q Was her name Amanda? A Yes, ----Malinda, I got it mixed.

By the Commission.

- Q M-a-l-i-n-d-a in it? A Yes, sir .
- Q You want to change that then? A Yes, sir.
- Q Her maiden name was Yates? A Yes, sir.
- Q What was her husband's name? A Fred.
- Q Did she live in Mississippi in 1830 and have a family there then? A Why I could not say positively whether she did or not.
- Q Did she ever live in Mississippi? A Yes, I was told that she lived there by my people.
- Q Was she your father's mother? A Yes, sir.
- Q And your father lived in Mississippi? A He lived there until he came to Texas thirty-five years ago.
- Q How old is your father now? A Fifty-seven years old.
- Q Was he born in Mississippi? A I think so, I could not say positive but he was raised there he says.
- Q Do you know whether Malinda Dunn claims her Choctaw blood through her father or mother? A No, sir.
- Q How much Choctaw blood did she have? A One-quarter is what I have been told.
- Q Don't know through which parent she got her Choctaw blood? A No, sir; I don't.
- Q Did any of your Choctaw ancestors live in Mississippi or Alabama in 1830 and own improvements there at that time? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A No, sir; not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian territory with the other Indians between 1833 and 1838? A No, sir; not that I know of.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know sir.
- Q Did they claim any land or own any under any other article of that treaty than article fourteen or under the supplement of that treaty? A Not that I know.
- Q Did they claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A No, sir; not that I know of.

The members of the Choctaw tribe of Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent and who had an agency in Mississippi in 1830 and 1831 and within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to make a complete list of the names of all Choctaw Indian claimants under article fourteen who attempted to register before him, caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and the improvements which they had upon it. Both were taken from them by the government and sold at its public land sales. This caused a great many complaints so that in 1837 as the result of these complaints by act approved March 3rd of that year, a Commission was appointed by Congress which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

In 1842 another Commission was appointed by Congress by an act approved August 23rd of that year. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your ancestors go before either of these two Commissions and claim benefits as Choctaw Indians? A No, sir; not that I know of.
- Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land? A No, sir.
- Q This scrip was issued under an act of Congress approved August 23rd 1842, and was to enable those claimants to replace land which the government had taken from them in Mississippi and sold. Have you any relatives who have appeared before this Commission to be identified as Mississippi Choctaws claiming through the same ancestor Malinda Dunn? A Yes, sir.
- Q Will you give the names? A I have one great aunt Amanda I. Dunn.
- Q When was she before the Commission? A I could not say; it has not been a great while I think.
- Q John H. Dunn a cousin of yours? A Yes, sir.
- Q Others also that you do not now recal? A None that I know.
- Q Do you want to have the testimony given by them in their applications considered with yours? A Yes, sir.

Reference is here made to Amanda I. Dunn, M.C.R. 41.
John H. Dunn, M.C.R. 42.

- Q Is there anything more that you want to say in support of this claim? A No, sir.
- Q Do you speak the Choctaw language? A No, sir.

Examination by attorney Hudson.

- Q I understood you to say that your grandmother's name was Margaret Yates? A Yes, sir.
- Q How was she related to Amanda Yates the grandmother of John H. Dunn? A Sister.
- Q Malinda Yates and Amanda Yates both married Fred Dunns? A Yes, sir.
- Q These two Fred Dunns were cousins were they not? A Yes, sir.
- Q Both white men? A Yes, sir.
- Q Then your grandmother and John H. Dunn's mother were sisters? A Yes, sir.

By the Commission.

This applicant has the appearance and physical characteristics of being descended from white parentage; light hair and mustache gray eyes. He does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he

46
reported in full all the proceedings had in the above entitled cause on March 21, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 21, 1902.

G. Rosewin Kel

Subscribed and sworn to before me this 19th day of April 1902.

Clara Mitchell Wood

Notary Public.

COPY.

M.C.R. 4998

Muskogee, Indian Territory, February 17, 1903.

Henry E. Dunn,

Parker, Oklahoma.

Dear Sir:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R. 41
Annie Catherine Cololasuro, et al.,	M.C.R. 43
John H. Dunn, et al.,	M.C.R. 42
Hellie C. Little, et al.,	M.C.R. 5569
William H. Dunn, et al.,	M.C.R. 5015
Henry E. Dunn, et al.,	M.C.R. 4998
John H. Fraley, et al.,	M.C.R. 5894
William A. Fraley, et al.,	M.C.R. 5915
Ida F. Moore, et al.,	M.C.R. 5896
Hellie J. Perrymore, et al.,	M.C.R. 5896
John Fraley, et al.,	M.C.R. 6053
George W. Fraley,	M.C.R. 6054
Martha M. Thomas, et al.,	M.C.R. 4834
William Thomas,	M.C.R. 4836
Milton Thomas,	M.C.R. 4837
George M. Thomas,	M.C.R. 4838
William Been, et al.,	M.C.R. 4675
McClelland Been,	M.C.R. 4833
Jenettie M. Lathrum, et al.,	M.C.R. 4835
William W. Lee, et al.,	M.C.R. 5567
Otis Lee, et al.,	M.C.R. 4967
Inez G. Curley, et al.,	M.C.R. 5541
Ob Dunn, et al.,	M.C.R. 5274
Arlena M. Kreipke, et al.,	M.C.R. 6219
John F. Zachery,	M.C.R. 6220
Irene J. Zachery, et al.,	M.C.R. 6217
Anna Belle Zachery,	M.C.R. 6218

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda I. Dunn, Annie Catherine Cololasure, Jennie Cololasure, Ottie Cololasure, Gracie Cololasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Beattie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Bernie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Pearl E. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Bue Perrymore, Ora E. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank K. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred T. Thomas, Jesse S. Thomas, Ida May Thomas, Nora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George . Thomas, William Been, Emily J. Been, Josie Been, Eggie . Been, McClelland Been, Jenettie M. Lathrum, Johnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Iola Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Wanda M. Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Lorton Curley, Ob Dunn, Ura Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlena M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that

Henry E. Hunt, -8

the applications made by John E. Hunt for the identification of his wife, Nellie Hunt, and by Nellie G. Little for the identification of her husband, William Little, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this matter, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED):

Tame Bixby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, August 27, 1904.

Henry E. Dunn,

Parker, Oklahoma Territory,

Dear Sir:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

(SIGNED)

Tame Bixby.
Chairman.

No. 4998

For Identification as a Mississippi Choctaw.

Date Nov 11 1906

Name Henry E. Kunn.

Age 33 — Blood 1/16

Post Office, Parkert, Okla.

Father: John Kunn, C.

Mother: Mary father, C.

Claims through ~~mother~~
wife, Minnie Kunn, C. W.

No claim for wife —

Children:

Rubie Kunn, F. 5

Bernie " M. 3

Opal " F. 1

Claims for self &
children —

H. E. Kunn

Choctaw MCR 4999

Eugenia C. Dean

See MCR 4540, 4639

MCR 4999

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 21, 1902.

4999

In the matter of the application for identification as Mississippi Choctaws of Eugenia C. Dean for herself and her minor child, Guy Walker Dean.

Hutchins, West & Parker, attorneys for applicants; attorney P. C. West, appearing.

Eugenia C. Dean being first duly sworn testified as follows:

Examination by the Commission.

- Q Your name is Eugenia C. Dean? A Yes, sir.
Q How old are you? A Twenty-five.
Q What is your post office? A Shaw, Mississippi.
Q How long have you lived there? A Fifteen years.
Q Where did you live before that? A Winona, Mississippi.
Q Have you always lived in Mississippi? A Yes, sir.
Q You were born there in that state? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father's name? A Goolesby C. Walker.
Q How do you spell that? A G-o-o-l-e-s-b-y--C-h-a-m-b-l-i-s-s-
Q What is your mother's name? A Eugenia Kinsade.
Q Through which parent do you claim Choctaw blood? A Through my Papa.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A My grandfather was.
Q No, but was your father; he never has been in the Indian Territory has he? A Not that I know of.
Q He never has been recognized in the Indian Territory has he? A Not that I know of.
Q When and where were your father and mother married? A I don't know.
Q Do you remember if they were married by a minister and under a license? A Yes, sir.
Q Do you think that you could introduce the proof of their marriage later if given time? A Yes, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Leonidas G. Dean.
Q Is he himself an applicant for identification as a Mississippi Choctaw? A Yes, sir.
Q He made application did he not before the Commission at Meridian, January 16, 1902? A Yes, sir.
Q You make no claim for him of course at this time? A No.
Q Have you any children that you want to make application for at this time? A Yes, sir.
Q What is the name of your child? A Guy Walker Dean.
Q How old is he? A Eight years.
Q Leonidas G. Dean is the father of this child? A Yes, sir.

- Q The boy living with you at your home? A Yes, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and your minor child Guy Walker Dean as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? A I think I do.
- Q You have had it explained to you? A Yes, sir.
- Q You care to have any further explanation of it? A No, sir.

The article without the explanation is, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A Yes; my grandfather.
- Q What was your grandfather's name? A John Walker.
- Q Did John Walker live in Mississippi in 1830 and have a family of children there then? A In Alabama.
- Q He lived in Alabama in 1830; did he? A Yes, sir.
- Q And was the head of a family there at that time? A Yes, sir.
- Q Do you know whether he lived in that portion of Alabama which was in the old Choctaw Nation? A Sumter County, I think.
- Q Was that in the old Choctaw Nation? A Yes, sir.
- Q Was your grandfather born in Alabama? A I don't know.
- Q How old would he be if living now? A I don't know.
- Q Do you know when he died? A No, sir.
- Q Or where? A No, sir.
- Q How much Choctaw blood did John Walker have? A None.
- Q John Walker had no Choctaw blood? A No, sir.
- Q Whom do you claim through? A Grandmother.
- Q Who; John Walker's wife? A Yes, sir.
- Q What was her name? A Frances Chambliss.

#3

- Q She married John Walker? A Yes, sir.
- Q Frances Walker then was her married name? A Yes, sir.
- Q John Walker was a white man? A Yes, sir.
- Q How much Choctaw blood did his wife have? A One-half.
- Q Where was she born? A I don't know.
- Q When and where did she die? A I don't know. Sunflower County, Mississippi. (Prompted by husband)
- Q Did she understand or speak the Choctaw language? A Yes, sir (Prompted by husband)
- Q Do you know how old your grandmother Frances Walker would be if she were living now? A No, sir.
- Q You claim through your father do you not? A Yes, sir.
- Q How old would he be if living now? A I don't know.
- Q When and where did he die? A In Sunflower County.
- Q Mississippi or Alabama? A Mississippi.
- Q You don't know when he was born? A No, I don't know.
- Q This Frances Walker is his mother? A Yes, sir.
- Q Do you know whether she claimed through her father or mother? A No, sir.
- Q Do you know the names of her parents? A No, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A Yes, sir.
- Q What proof or evidence have you that any of your Choctaw ancestors went to Ward within that time? A It is on record.
- Q It is on record? A Yes, sir.
- Q You mean that the name of Frances Walker appears upon any record that shows that she took advantage or tried to take advantage of any of the provisions of article fourteen of the treaty of 1830? A No; John Walker.
- Q John Walker who is the white husband of Frances Walker? A He registered for her.
- Q Does his name appear upon the registry list as the white husband of Frances Walker? A Yes, sir.
- Q You know where that name is found? A Why it is on record; I don't know.
- Q Is it not American State Papers volume 7? A I suppose so, I don't know.
- Q Do you claim that the name of your ancestor appears on page 133, of volume 7, American State Papers, in a list entitled "A register of Choctaw names as entered by the Agent previous to the 24th day of August 1831, who wished to become citizens according to the provisions of the late treaty of 1830"? A Yes, sir.
- Q Said list contains the name of John Walker, the date of his entry June 13, 1831, number of children under ten years of age three, number of children over ten years of age, four; white man, Indian wife. What proof have you that this John Walker is your grandfather? A Family.
- Q Family history and tradition? A Yes, sir.
- Q Who in the family have informed you so? A My oldest sister.
- Q Is she living now? A Yes, sir.
- Q How old is she? A Why she is forty-two I guess.
- Q Where is she now; where does she live? A Frances, Indian Territory.
- Q Is she here before the Commission at this time? A She has been but is not now.

#4

- Q Can you give any other proof that refers to your grandfather having made this application and having been placed upon this list? A No, sir.
- Q Any other matter of family history or tradition that you can recall? A Nothing only that my father spoke the Choctaw language.
- Q Your father spoke the Choctaw language? A Yes, sir.
- Q His name was Goolesby C. Walker? A Yes, sir.
- Q You say you cannot say how old he would be if living now? A No, sir.
- Q You remember hearing him speak the Choctaw language? A No, sir; I was just two years old when he died.
- Q You are now twenty-five? A Yes, sir.
- Q He died twenty-three years ago? A Yes, sir.
- Q Could you not tell how old he was when he died? A I don't know what year he died.
- Q Can you give me an idea how old he was? A About fifty.
- Q He was about fifty twenty-three years ago; he would be about seventy-three or five if living? A Yes, sir.
- Q You think then that he was born in Alabama about the time the treaty was made? A I don't know.
- Q That is about seventy years ago? A I don't know.
- Q Do you know if he took that land in Mississippi and lived upon it for five years and then received a patent from the government? A I don't know.
- Q Do you know whatever became of that land? A No, sir.
- Q Did you ever hear of any patent in existence? A No, sir.
- Q You know what I mean by a patent? A Deed you mean?
- Q Yes; a deed from the government, they called them patents, they were signed by the President or his representative. You never heard of any such deed or patent? A No, sir.
- Q Is there anybody now living in your family or member of your family who knows anything about that land or anything about a patent to such land? A No, sir; I don't know of anybody.

The Choctaw Indians who lived in Mississippi after the treaty of 1830 was ratified were obliged, if they wanted to take advantage of the provisions of article fourteen of that treaty, to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay there, take land in Mississippi and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register and his neglect to make a proper register of the names of all applicants who came before him under article fourteen of that treaty caused a good many Indians who had land in Mississippi upon which they had improvement to lose them both; both were taken from them by the government and sold. This caused so many complaints that in 1837, by act of Congress approved March 3, of that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act approved August 23, of that year, Congress appointed another Commission for the same purpose, and this Commission went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed benefits under article fourteen of that treaty; I mean this; if they had gone before Ward and tried to register and failed to, they might afterwards be reinstated in their rights either by the Commission of 1837 or 1842. Do you know whether any of your Choctaw ancestors went before either of these two Commissions? A I don't know.

- Q Did any of your Choctaw ancestors receive any scrip from the government of the United States as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they claimed they had occupied in Mississippi and which the government had taken from them and sold? A I don't know.
- Q In your husband's examination at Meridian he gave the name of your father as Doctor G-o-u-l-s-b-y Walker. You spell it G-o-o-l-e-s-b-y; you want to spell it that way? A Yes, it is the same person.
- Q He also stated that your father was killed on a steam-boat in 1878 or seventy-seven? A Yes, he was killed on a steam-boat.
- Q At that time? A Yes, sir.
- Q You think he was about seventy years old at the time of his death? A Yes, sir.
- Q That would be in seventy-eight he would be over ninety years old if living now. Your husband's testimony with reference to your father's age shows that he would be over ninety years old if living; now is that correct according to the way you understand it? A I don't know; I know the ages are all down in the family Bible at home.
- Q You stated that you thought he would be about seventy years old if living now; is that your best recollection? A I don't know.
- Q Is John Walker, who you claim is your ancestor who married a wife who had Indian blood the same John Walker whose name also appears on page 18, volume 1, of the record of the Court of Claims in the case of Choctaw Nation of Indians against the United States number 12,742; is that his name? A Yes, sir.

On page 18, volume 1, of the record of the Court of Claims in the case of the Choctaw Nation of Indians against the United States number 12,742, appears what purports to be a copy of the register of William Ward of Choctaws who signified their intention to, within six months from the ratification of the treaty of Dancing Rabbit Creek, remain in Mississippi, take land and become citizens of the States. In said list of names is found the name of John Walker, a white man, with an Indian wife.

- Q What evidence have you Mrs. Dean that this John Walker recorded on page 8, volume 1, is your grandfather? A Family tradition.
- Q Did you ever hear as a matter of family history and tradition how many children John Walker had? A Yes, sir.
- Q How many? A Seven.
- Q Do you know of any one living now who would be likely to know about John Walker having lived in Alabama in 1830 and having had seven children their at that time? A Yes, sir.
- Q Who that is living would know that? A Julia Brunson, a cousin of mine.
- Q Is she living? A Yes, sir.
- Q Where is she living? A Rosser, Alabama.
- Q How old is she? A I don't know.
- Q Is she an old lady? A Yes, sir.
- Q Over seventy? A I don't know.
- Q Is she related to you? A She is a cousin.
- Q Do you think that you will make an effort to get her testimony in your case? A Yes, sir.
- Q Did you ever hear that any of your Choctaw ancestors leave the old Choctaw Nation between 1833 and 1838 and go to the Choctaw Choctaw Nation Indian Territory with the other Indians? A I could not understand that.

- Q Did any of your ancestors go from that old Choctaw Nation to the Indian Territory with the other Indians between 1833 and 1838 or forty? A No, I think not.
- Q The application made for you by your husband Leonidas G. Dean and also for your minor child Guy Walker Dean for identification as Mississippi Choctaws before the Commission at Meridian, Mississippi, January 16, 1902; that application made by your husband for you and your son as this day been withdrawn by him in order that you might make this application for yourself and your minor child. That application was withdrawn with your full consent? A Yes, sir.
- Q And you now make application with the understanding that the application made by him at that time has been fully withdrawn so that you are free to make application for yourself and your son? A Yes, sir.
- Q Do you understand or speak the Choctaw language? A No, sir.
- Q Is there anything further that you would like to say in this case in support of your claim? A No; nothing more.
- Q Any further testimony or evidence you desire to introduce at this time? A No, sir.
- Q Would you like any time in which to furnish other proper evidence in support of this application? A Yes, sir. (By attorney; Yes)

A reasonable time will be allowed this applicant on motion of her attorney Mr. West in which to file other proper evidence in support of this application which she makes for herself and her minor child if submitted under the rules of the Commission.

Examination by attorney P. C. West.

- Q Mrs. Dean what is your middle name? A Chambliss.
- Q You stated in your examination before the Commission that your father Goolesby C. Walker spoke the Choctaw language? A Yes, sir.
- Q In what way did you arrive at the knowledge from which you made that statement? A From my oldest sister and my brother.
- Q Derived from family tradition? A Yes; family tradition.
- Q Is that the oldest sister, the one you testified about a little while ago? A Yes, sir.
- Q You stated also that you could produce a certified copy of the marriage license of your father and mother? A Yes, sir? A Yes, sir.
- Q You will do that? A Yes, sir.
- Q Make it a part of the evidence in this case? A Yes, sir.
- Q Have you any family record at home from which the question of your father's exact age could be determined there seeming to be some discrepancy between the statements made by your husband at Meridian, Mississippi and your information in regard to the true age of your father? A Yes, we have a family Bible.
- Q Can you and will you produce before the Commission that record or a proven copy of the same? A I will.
- Q You stated in your direct-examination when asked if you had ever heard of any of your Indian ancestors coming out to the Indian Territory when the other Indians came and in answer to that question you said that they had not. I will ask you if you ever heard anything about any of your Indian ancestors going to the present Indian Territory at any time? A Yes, sir.
- Q Do you know about when that was? A I don't know about when.
- Q You don't know when? A I don't know just when but I heard that my grandmother came out her to the Indian Territory.

- Q Then if you have ever heard any statements made as to what time it was when she did come out here you don't now recall the date?
 A No, sir.
- Q Mrs. Dean is it your bona fide intention to go to the Indian Territory with your minor child Guy Walker Dean and take up your residence within the Choctaw-Chickasaw Country in the Indian Territory? A Yes, sir.

The applicant in this case desires that her case be consolidated with the application of her half sister Alberta A. Gaines who is also an applicant for identification as a Mississippi Choctaw and claims through a common ancestor with this applicant, to-wit: John Walker and Frances Chamblis Walker and that the evidence in the case of Alberta A. Gaines be considered in the determination of this application.

- Q Were you ever known by any particular name or sobriquet in your family other than Eugenia Chamblis? A Yes, sir.
- Q What was that? A Wau-wice.

By the Commission.

- Q What did that name mean? A I don't know.

By attorney West.

- Q How do you understand from family tradition that you happened to be so called? A Why my father I guess called me that.

By the Commission.

- Q Did your father speak the Choctaw language? A I heard he did I don't know.
- Q Did your father or his father either of them have Choctaw Indian names? A Not that I know of; I don't think they did.
- Q You don't speak the Choctaw language? A No, sir.

This applicant has the general appearance and physical characteristics of being descended from white parentage except that she has in the opinion of the Commission a caste and features which would indicate Indian blood. She has no resemblance at all to the Indian race as to color or complexion. The special characteristics noted are high cheek bones and an expression about the forehead and the eyes. Her eyes are dark brown; her hair dark brown. She has no knowledge of the Choctaw language. She claims a compliance on the part of her ancestor, her grandfather John Walker a white man, who had an Indian wife and claims that one John Walker whose name appears on page 133, of volume 7, American State Papers in what purports to be a register of Choctaw names as entered by the Agent Colonel Ward previous to the 24th of August 1831 is identical with her grandfather. This information she obtains from members of the family in the way of family history and tradition.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 21, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 21, 1902. *G. Rosenwinkel*
 Subscribed and sworn to before me this 19th day of April 1902.
Charles H. Wood Notary Public.

Miss. Choctaw 4899

Muskogee, Indian Territory, November 13, 1902.

W. K. Redwine,

Attorney at Law,

South McAlester, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 11, inclosing certified copy of marriage license and certificate between G. C. Walker and Mrs. E. K. Shannon, which you offer in support of the application for identification as Mississippi Choctaws of Ruggie C. Dean, et al., and the same has been filed with the record in this case.

Respectfully,

Acting Chairman.

COPY.

COMMISSIONERS

JAMES BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,
SECRETARY

REFER IN REPLY TO THE FOLLOWING

U.C.R. 4999.

MUSKOGEE, INDIAN TERRITORY. May 15, 1903.

Eugenia C. Dean,
Shaw, Mississippi.

Dear Madam:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alberta W. Gaines, et al., embracing the following applications for identification as Mississippi Choctaws:

Alberta W. Gaines, et al.,	M. C. R. 4639
Valeria B. Hogin,	" 4640
Elizabeth W. Collier, et al.,	" 4754
Eugenia C. Dean, et al.,	" 4999
William K. James, et al.,	" 6047
Mary Jane Allen, et al.,	" 6048
Little E. James, et al.,	" 6049
Mary S. Pope, et al.,	" 6050
William A. Woodall, et al.,	" 6042
William D. Woodall, et al.,	" 6044
Mary A. Cannady, et al.,	" 6043
Lela C. Woodall,	" 6045
Albert E. Woodall,	" 6046
Laura L. Ryan, et al.,	" 5774
Sarah E. Spencer, et al.,	" 5776
Ed H. Ryan, et al.,	" 5783
James T. Ryan, et al.,	" 5782
James W. Ryan, et al.,	" 5771
Willie Ryan, et al.,	" 5780
Stephen Walker Ryan, et al.,	" 5770
Mary Francis Ann Elizabeth Ryan Dawson,	" 5772
Andrew Jackson Ryan, et al.,	" 5773
Ellen R. Marshall, et al.,	" 5777
Orlando H. Ryan, et al.,	" 5775
Dora R. Windle, et al.,	" 5778
Albert Ryan, et al.,	" 5779
Annie O. Jones, et al.,	" 4927
Mattie A. Walker,	" 4928
Martha E. Lee,	" 6175
Mary E. Shamburger, et al.,	" 6176

William W. Shamburger, et al.,	M. C. R.	6179
James F. Shamburger,	"	6180
Elberta E. Buntyn,	"	6181
Irene Buntyn,	"	6182
Zachariah W. Lee, et al.,	"	6177
Cora E. Ezell, et al.,	"	6178
Julia F. Brunson,	"	6168
Thomas K. Brunson,	"	6170
Annie K. Thompson,	"	6174
Mollie K. Cook, et al.,	"	6173
Julia Estelle Garrison, et al.,	"	6171
Catherine E. Brown, et al.,	"	6172
Florence Eugenia Garrison, et al.,	"	6169
Robert E. Lee, et al.,	"	6183
Caleb W. Lee,	"	6184
Ann B. Smith, et al.,	"	6276
Susan A. Lucas, et al.,	"	6277
Mary Alice Dooley, et al.,	"	6278
William E. Smith, et al.,	"	6275
Emma L. Long, et al.,	"	6279
Ora N. Scott,	"	6280
Olivia M. Lee, et al.,	"	6342
Robert W. Ezell,	"	6349
William S. Ryan, et al.,	"	6412

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alberta W. Gaines, Joseph B. Buck, Joseph O. Walker, Valeria B. Hogin, Elizabeth W. Collier, Valeria E. Collier, Eugenia C. Dean, Guy Walker Dean, William K. James, Alburto Cathleen James, Mary Jane Allen, William Fletcher Allen, Kizzie Sophia Allen, Henry Clay Allen, Sidney H. Allen, Litle E. James, Willie K. E. James, John S. James, Maggie R. James, Bettie V. James, Mary S. Pope, Annie E. Pope, Edward Lee Pope, William A. Woodall, Bessie Woodall, William D. Woodall, Lewis E. Woodall, Bernard R. Woodall, Annie Mira Woodall, Lela Ester Woodall, Mary A. Cannady, Siddie Marie Cannady, Minnie Elizabeth Cannady, William J. Cannady, Lela C. Woodall, Albert E. Woodall, Laura L. Ryan, Walter Hubert Ryan, Charles Everett Ryan, Sarah E. Spencer, Sylvester D. Spencer, Eunice M. Spencer, Robert A. Spencer, Elsie B. Spencer, Mary C. Spencer, Ed H. Ryan, Willis S. Ryan, Vorice Ryan, Daisy Ryan, Eileene Ryan, Ezelle Ryan, James T. Ryan, Tommy P. Ryan, Fred B. Ryan, Bonnie Lin Ryan, James W. Ryan, Walter Ryan, Claud Ryan, Georgie

Ryan, Maggie May Ryan, Minnie Ryan, Orian Ryan, Willie Ryan, Eula E. Ryan, Delbert W. Ryan, Lillie M. Ryan, Stephen Walker Ryan, Birdie Ryan, Mary Francis Ann Elizabeth Ryan Dawson, Andrew Jackson Ryan, Oscar Ryan, Lennie Ryan, Clyde Ryan, Nellie Ryan, Dora Ryan, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Gracie Marshall, John Gifford Marshall, Orlando H. Ryan, John Gifford Ryan, Dessie Odelia Ryan, Dora R. Windle, Charles Leroy Windle, Mary E. Windle, Gaston Windle, Thomas Windle, Norman Windle, Andrew Windle, Albert Ryan, Milton Ryan, Hubert Ryan, Annie O. Jones, Henry Jones, Mattie A. Walker, Martha E. Lee, Mary E. Shamburger, Arthur E. Shamburger, Daniel H. Shamburger, Herbert J. Shamburger, Mary E. Shamburger (2), Roland L. Shamburger, Leonard S. Shamburger, Rivers E. Shamburger, Horace L. Shamburger, William W. Shamburger, Walter Lamar Shamburger, Joseph E. Shamburger, James F. Shamburger, Elberta E. Buntyn, Irene Buntyn, Zachariah W. Lee, Corrine N. Lee, Lena Pool Lee, Cora E. Ezell, Thomas R. Ezell, Ellis W. Ezell, Julian W. Ezell, Edgar E. Ezell, Oscar J. Ezell, Julia F. Brunson, Thomas K. Brunson, Carrie May Brunson, Lawrence Abram Brunson, Sadie Franklin Brunson, Thomas Milton Brunson, George Edgar Brunson, Katie Lillian Brunson, Emma Estelle Brunson, Mary Ettie Brunson, Annie K. Thompson, Mollie K. Cook, James Herbert Cook, Joseph Eugene Cook, Ida Lamar Cook, Howard Lawrence Cook, Bertha Louise Cook, Bryan Beauregard Cook, Julia Estelle Garrison, George L. Garrison, Myra E. Garrison, Earl C. Garrison, Annie M. Garrison, Clarabelle Garrison, Catherine E. Brown, Leon C. Brown, Willie F. Brown, Florence Eugenia Garrison, John Edmond Garrison, Arlis Clyde Garrison, James Lee Garrison, Robert E. Lee, Horace W. Lee, Gladys Lee, Grace Lee, Caleb W. Lee, Ann B. Smith, Frank R. Smith, Roscoe Smith, Alva R. Smith, James U. Smith, Myrtie Smith, Susan A. Lucas, Carrel T. Lucas, Ethel E. Lucas, William Sherman Lucas, James Floyd Lucas, Mary Alice Dooley, Clarence A. Dooley, Roy C. Dooley, William B. Dooley, William E. Smith, Lemuel Elmer Smith, Emma L. Long, Ola G. Long, Bonnie May Long, Ora N. Scott, Olivia M. Lee, Caleb W. Lee (2), Fred D. Lee, Sarah M. Lee, Robert W. Ezell, William S. Ryan, Rodney Ray Ryan, Mary Ryan, Eddie Lee Ryan, Willie Ryan (2), Susie I. Ryan, John Lewis Ryan and James K. Ryan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, without prejudice however, to such rights as may have been acquired by Jas. W. Ryann, Willie Ryann, Walter Ryann, George Ryann, Claud Ryann, Maggie Ryann, Orlenda Ryann, John G. Ryann, Albert Ryann, Mary Ryann Dawson, Ellen R. Marshall, Gurtie Marshall, Obed Marshall, Claud Marshall, Eugene Marshall, Lettie Marshall, Mary Marshall, Roy Marshall, Dora R. Windle, Charles Windle, Mary E. Windle, Gaston Windle and Thomas Windle, by reason of their names appearing on the 1896 Choctaw Census Roll as citizens by blood of the Choctaw Nation, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED)

Register.

Chairman.

MCH-4999.

Muskogee, Indian Territory, March 16, 1907.

Eugenia C. Dean,
Shaw, Mississippi.

Dear Madam:

You are hereby notified that the Secretary of the Interior on March 4, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, adverse to the applicants in the consolidated Mississippi Choctaw case of Alberta W. Gaines et al.

Respectfully,

Commissioner.

June 4th, 1902.

One copy of the testimony
in this case delivered to
Holding and Bailey of Chickasha
Indian Territory, to be charged
to Hutchings, West and Parker,
Attorneys for applicants.

M. C. R. 4977.

No. 4999

For Identification as a Mississippi Choctaw.

Date MAR 21 1902

Name Eugenia C. Keen

Age 25 Blood 1/8

Post Office, Shaw. Miss.

Father: Goobesby C. Walker, d

Mother: Eugenia K " &

Claims through father
Husband Leonidas B. Keen. (Choctaw claimant)

Husband has made
claim as M.C. at Meridian, M.
M.C.R. 4540

Children:

Guy Walker Keen. &

Claims for self &
child

Nos. 1 & 2 duplications of

Nos. 2 and 3 on M.C.R. 4540

Stenographer G. Rorem

Choctaw MCR 5000

Walker Sanders

See MCR 3800

MCR 5000

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 22, 1902.

5000

In the matter of the application for identification as Mississippi Choctaws of Walker Sanders for himself and his three minor children, Eulalia A., Avinell Y., and Walker V. Sanders.

Applicants not represented by attorney.

Walker Sanders being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Walker Sanders.
Q What is your age Mr. Sanders? A I will be thirty-one the twenty-seventh of next September.
Q You are thirty now? A Yes, sir.
Q What is your post office address? A Little Rock, Arkansas.
Q How long have you lived there? A About eighteen years.
Q Where did you live before you lived in Little Rock? A Senatobia Mississippi.
Q Where were you born? A In Senatobia, Mississippi.
Q Always lived in that state until you went to Little Rock? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Is your mother living? A No, sir.
Q What is your father's name? A A. V. Sanders.
Q What was your mother's name? A N. E. Sanders.
Q Through which parent do you claim Choctaw blood? A My mother.
Qx How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.
Q Are you married? A Yes, sir.
Q What is your wife's name? A May L.
Q You claim any Choctaw blood for her? A No, sir.
Q She is a white woman? A Yes, sir.
Q Is she living? A Yes, sir.
Q You don't claim anything for her as a Choctaw Indian? A No, sir.
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A I have three.
Q What is the name of the oldest child? A Eulalia A.
Q What? A E-u-l-a-l-i-a A.
Q How old is she? A Six years old.
Q What is the name of the next? A Avinell Y.
Q How do you spell that? A A-v-i-n-e-l-l.
Q How old is she? A She is four I think.
Q That a girl? A Yes, sir.
Q What is the name of the next child? A Walker V.
Q How old is he? A Two years old.
Q You claim for yourself and these minor children do you? A Yes, sir.
Q How much Choctaw blood do you claim for them; one-thirty-second?

A Yes, sir.

Q Is May L. Sanders the mother of these Children? A Yes, sir.

Q You are the father? A Yes, sir.

Q They are living with you at your home? A Yes, sir.

Q Were either of you married before you married each other? A No, sir.

Q Have you proof of the marriage of yourself and your wife with you at this time? A No, sir.

Q Can you introduce that later? A Yes, sir.

A reasonable time will be allowed for that purpose.

Q Your mother's name you say was N. E. Sanders? A Yes, sir.

Q What does that E. stand for? A Nannie.

Q Where was she born? A I could not tell you exactly where.

Q In what state? A In Mississippi I think.

Q Could you tell where in Mississippi she was born? A In Tate County, close to Independence.

Q When did she die? A In seventy-eight.

Q How old was she when she died? A I could not tell you I was quite small.

Q How old were you when she died? A I was about eight I think seven or eight.

Q Can you give me an idea how old she would be if living now, as near as you possibly can? A She would be close on to fifty years old.

Q She was born in Mississippi? A Yes, sir.

Q Always lived in Mississippi? A Yes, sir.

Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I was named after my grandfather.

Q No; but is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.

Q Or your children? A No, sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No, sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for yourself and children under the act of Congress of June 10, 1896? A No, sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.

Q Do you now come before the Commission to identify yourself and your three minor children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.

Q Do you understand that article of that treaty? A I am not sure that I do.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September 1830 and later on it was ratified. It was ratified on the 24th of February 1831. The object of that treaty was the removal of the Choctaw Indians as far as practicable from the old Choctaw Nation which was partly in Mississippi and partly in Alabama from that old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interest of those Indians

who elected to remain back there in the old Choctaw Nation article fourteen was put into the treaty of 1830. The treaty was then signed and afterwards ratified. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A No, sir; I don't know whether they did or not.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Sarah Booth.
- Q Who was Sarah Booth? A My great grandmother.
- Q Did she live in Mississippi in 1830 and have a family there then at that time or in other words was she the head of a family in Mississippi in 1830? A I could not say but I think she was though.
- Q You claim through your mother Nannie E. Sanders do you? A Yes, sir.
- Q What was her maiden name? A Walker.
- Q And she would be how old now? A I think about fifty.
- Q She claimed through which parent father or mother? A Father.
- Q What was his name? A Jephtha V. Walker.
- Q And was his mother Sarah Booth? A Yes, sir.
- Q Do you know whether Jephtha V. Walker had a family of children and lived in Mississippi in 1830 or not? A No, sir; I do not.
- Q Do you know whether Sarah Booth had a family of children living in Mississippi in 1830 or not? A Yes, I think she did.
- Q She had? A Yes, sir.
- Q How old would Jephtha V. Walker be if living now? A I don't know sir.
- Q Who did Sarah Booth marry? A She married George Walker.
- Q When and where was Sarah Booth born? A I don't know.
- Q When and where did she die? A I could not say.
- Q What relation was Sarah Booth to you? A My great grandmother.
- Q Jephtha V. Walker her son was your grandfather? A Yes, sir.
- Q Did you ever hear in the family that either Jephtha V. Walker lived in Mississippi in 1830 and had a family of children there then or that his mother Sarah Booth lived in Mississippi in 1830 and had a family there at that time? A I never heard; I don't know whether he was married then or not.
- Q Is it your information that Sarah Booth Walker was living in Mississippi and married there? A Yes, sir.
- Q And Jephtha V. Walker living as a minor child? A I don't know whether he was born then or not.

- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the year 1830? A I don't know.
- Q Did Sarah Booth or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I could not answer that.
- Q Did any of your Choctaw ancestors, Sarah Booth Walker or any other own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did they own any land or claim any in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I could not say.
- Q Did they own or claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I could not answer that either.

The Choctaw Indians who remained in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register and as the result of his neglect to do so, a great many Choctaw Indians who held land in Mississippi upon which they had improvements had both their land and the improvements upon it taken from them by the government and sold at the public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837 by act approved March 3rd of that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 by act approved August 23rd of that year another Commission was appointed by Congress for the same purpose and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. Both of these Commissions made lists of all claimants who came before them under that article of that treaty.

- Q Do you know whether any of your Choctaw ancestors appeared before either of these two Commissions and claim benefits as Choctaw Indians under that article of that treaty? A No, sir I don't know.

The act of Congress approved August 23rd 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it further appeared that he had had land taken away from him by the government in Mississippi and sold that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land and that a certificate should be given to him to that effect; these certificates were called scrip.

#5

- Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians? A I don't know sir whether they did or not.
- Q What relatives have you who have appeared before this Commission to be identified as Mississippi Choctaws claiming from the same common ancestor Sarah Booth? A My own aunt Cornelia Blair, D. W. Dean, Leonidas G. Dean and Avinell House.

The number of Leonidas G. Dean's case, M.C.R. 4540 is here referred to.

- Q Would you like to have the testimony of these relatives of yours who claim through the same common ancestor considered with yours? A Yes, sir.
- Q Was the husband of Sarah Booth whose name was George Walker a white man? A I guess he was.
- Q You know what his business was? A No, sir.
- Q Can you give the names of any of the relatives, either brothers or sisters of your mother Nannie E. Sanders? A One of her brothers is Henry E. Walker.
- Q Where does he live? A Near Independence, Mississippi.
- Q He has made application to be identified as a Mississippi Choctaw? A I don't know whether he has or not.
- Q Can you give the names of any other of her relatives? A Aunt Cornelia Blair is my mother's sister.
- Q She has made application? A Yes, sir.
- Q Can you give the names of any other relatives of your mother? A A No, sir;--there are others, L. G. Dean and G. W. Dean.
- Q Have you any other evidence that you want to introduce at this time? A No, sir; nothing only what has been put in.
- Q Do you understand the Choctaw language? A No, sir.
- Q How much Choctaw blood did Sarah Booth Walker have? A She was a half Choctaw.
- Q Did she speak or understand the Choctaw language herself? A I think she did; Yes, sir.
- Q Is that a matter of family history and family tradition? A I could not say for sure, I have heard that she did, I don't know whether it is recorded or not.
- Q Is there anything more that you want to say in support of this claim? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, light hair, medium fair complexion; he has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 22, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

Subscribed and sworn to before me this 21st day of April 1902.

Charles H. ...

Notary Public.

COPY.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

PLEASE IN REPLY TO THE FOLLOWING

M.C.R. 5000.

MUSKOGEE, INDIAN TERRITORY, February 19, 1903.

Walker Sanders,

Little Rock, Arkansas.

Dear Sir:

You are hereby advised that on the 19th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Lipsey, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Lipsey,	M. C. R. 3800
Mattie Alva Mason, et al.,	M. C. R. 3494
George W. Ellis, Sr., et al.,	M. C. R. 4698
William E. Ellis, et al.,	M. C. R. 5545
Itasca M. Coles, et al.,	M. C. R. 5547
John J. Ellis, sr., et. al.,	M. C. R. 5546
Maggie Wiles,	M. C. R. 5548
Joshua J. Ellis,	M. C. R. 5549
Charlie O. Ellis, et al.,	M. C. R. 5348
Walter H. Ellis,	M. C. R. 5349
Dora Gertrude Ellis Hargus, et al.,	M. C. R. 5393
Bersheba J. Burford,	M. C. R. 4617
Lillian C. House,	M. C. R. 4751
Peyton M. Selt, et al.,	M. C. R. 4616
Marancy A. Dean,	M. C. R. 4749
Mattie J. Myers, et al.,	M. C. R. 5318
Lelia E. Myers,	M. C. R. 5319
Texana Tibbs,	M. C. R. 5320
Charles E. Walker, et. al.,	M. C. R. 5414
Mary E. Brown, et al.,	M. C. R. 5415
John S. Walker, et al.,	M. C. R. 5417
Henry S. Walker, et al.,	M. C. R. 5418
Kate R. Coker,	M. C. R. 5416
Ada D. Williams,	M. C. R. 4533
Ann J. Garrard,	M. C. R. 5413
Cornelia R. Blair,	M. C. R. 4538
Nellie D. House, et al.,	M. C. R. 4750
Leonidas G. Dean, et al.,	M. C. R. 4540
David W. Dean,	M. C. R. 4534

Walker Sanders,	M. C. R. 5000
Montezuma V. Walker, et al.,	M. C. R. 4319
Malcolm E. Walker,	M. C. R. 4326
Jeff E. Walker,	M. C. R. 4327
William J. Walker, et al.,	M. C. R. 4615
Junia T. Gordon, et al.,	M. C. R. 4539
Jabers N. Walker,	M. C. R. 3795
Sarah E. Eavenson, et al.,	M. C. R. 4537
Jephtha L. Walker, et al.,	M. C. R. 4536
Laura A. Ray, et al.,	M. C. R. 4532
Mattie Blass,	M. C. R. 4535

These applications were made under the provision of the act of Congress of June 28, 1898. (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Lipsey, Mattie Alva Mason, Wilma Mason, John Lipsey Mason, William B. Mason, George W. Ellis, sr., George W. Ellis, jr., Annie Louise Ellis, Henry Ellis, William E. Ellis, Lou Ellen Ellis, George W. Ellis (3), Floy G. Ellis, Itasca M. Coles, George Warren Coles, Howard Smith Coles, Eljah Coles, jr., John J. Ellis, sr., Pearl Warren Ellis, John J. Ellis, jr., Lucille H. Ellis, Maggie Wiles, Joshua J. Ellis, Charlie O. Ellis, James Ellis, Anna Ellis, Maggie Ellis, Eva Ellis, Mart Ellis, Walter H. Ellis, Dora Gertrude Ellis Hargus, Otis LeRoy Hargus, John Reed Hargus, Mary Lois Hargus, Bersheba J. Burford, Lilhan C. House, Peyton M. Self, Willie E. Self, Lillian G. Self, Marancy A. Dean, Mattie J. Myers, Fred Myers, David Roy Myers, Iona Myers, Leha E. Myers, Texana Tibbs, Charles E. Walker, John W. Walker, Saxton Walker, Mary E. Brown, Robert M. Brown, Florence Brown, Walter Brown, Ethel Brown, Edith Brown, John S. Walker, Rosa R. Walker, Mary S. Walker, Henry S. Walker, Henry S. Walker, jr., George D. Walker, Kate R. Coker, Ada D. Williams, Ann J. Garrard, Cornelia R. Blair, Nellie D. House, Sam L. House, Nell House, Edna House, David L. House, Mabel House, Leonidas G. Dean, David W. Dean, Walker Sanders, Eulaha A. Sanders, Avinell Y. Sanders, Walker V. Sanders, Montezuma V. Walker, Sarah C. Walker, Malcolm E. Walker, Jeff E. Walker, William J. Walker, Florence J. Walker, William V. Walker, Kittie L. Walker, Caswell C. Walker, Jephtha B. Walker, Talbert H. Walker, Robert O. Walker, Claudie E. Walker, Junia T. Gordon, Edward W. Gordon, Willie D. Gordon, Junia A. Gordon, Robert N. Gordon, Floy Gordon,

Henry W. Gordon, Sallie I. Gordon, Lennie L. Gordon, Montie L. Gordon, Jabers N. Walker, Sarah E. Eavenson, Clarence L. Eavenson, Alfred V. Eavenson, Thomas E. Eavenson, Lenora E. Eavenson, Earnest W. Eavenson, Montezuma Eavenson, Katie B. Eavenson, George C. Eavenson, Dora A. Eavenson, Hecta B. Eavenson, Jeptha L. Walker, Charles L. Walker, Jeptha V. Walker, Edward D. Walker, William T. Walker, Laura A. Ray, Veva M. Ray, Junia V. Ray, Burtrom L. Ray, Jeptha W. Ray, Lucy J. Ray, Ethel F. Ray and Mattie Blass as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

SIGNED,

Tame Dixie.

Acting Chairman.

M.C.R. 5000

COPY.

Muskogee, Indian Territory, July 29, 1903.

Walker Sanders,

Little Rock, Arkansas.

Dear Sir;

You are hereby notified that on the 1st day of July, 1903, the Secretary of the Interior affirmed the decision of this commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Lipsey, et al., of which decision you were advised by registered mail on the 19th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

No. 5008

For Identification as a Mississippi Choctaw.

Date MAR 22 1902

Name *Walker Sanders.*

Age *30*

Blood *1/16 —*

Post Office, *Little Rock, Ark.*

Father: *A. V. Sanders, l.*

Mother: *Nannie, d*

Claims through Mother
wife. *May L. Sanders, w. l.*
No claim for wife.

Children;

Eulalia A. Sanders, ³6

Arnell G. "F." 4

Walker V. " 2

Claims for self &
Minor children.

Stenographer *G. Rosenwinkel*

Choctaw MCR 5001

Arrie Rogers

See MCR 4514

MCR 5001

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, March 25th, 1902.

#3001

In the matter of the application of Arrie Rogers for the identification of herself and her three minor children, Gertie, Arthur M., and Carrie Rogers, as Mississippi Choctaws.

(Applicant not represented by attorney)

Arrie Rogers, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Arrie Rogers.
Q What is your age? A I am twenty nine.
Q What is your post office address? A Wetumpka, Indian Territory.
Q How long have you lived there? A About six months.
Q Where did you live before that? A In Choctaw.
Q Where in the Choctaw Nation? A Eagletown.
Q How long did you live there? A Lived there about four years.
Q Where did you live before that? A Lived in Texas.
Q Were you born in Texas? A Yes sir.
Q Did you always live in Texas until you came to Indian Territory? A Yes sir.
Q Where did you live most of your life in Texas? A Right close to the line.
Q What post office? A Saint Jo.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A George W. Fletcher.
Q What is your mother's name? A Susan Fletcher.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A I couldn't say for certain, one eighth I think.
Q You think one eighth? A Well, I don't know for certain--- he was one eighth.
Q Would you claim one eighth if your father was one eighth? A No sir.
Q You would be one half of that wouldn't you? A Yes sir.
Q Are you sure your father claimed one eighth? A No sir.
Q Then you really don't know how much you do claim, do you? A No sir, I don't know.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.

Arrie Rogers-----2

Q Is your father the same George W. Fletcher who appeared before the Commission at Muskogee, Indian Territory, on January 15, 1902, and made application for identification as a Mississippi Choctaw? A Yes sir.

Q Are there any other members of your family who have made application? A Yes sir, some of the connections has.

(The application of George W. Fletcher, M C R 4514, is here referred to.)

Q Would you like to have the testimony of your relatives who have appeared before the Commission to be identified as Mississippi Choctaws, claiming through the same common ancestor, considered with your testimony so that all may be considered together? A Yes sir.

Q When and where were your father and mother married? A I don't know where they was married.

Q Were they married by a minister and under a license? A Yes sir. Q You don't know where they were married? A No sir.

Q Have you the proof of the marriage with you? A The court house got burnt down

Q Have you the proof with you here? A No sir.

Q Do you think you can produce it later if given reasonable time? A Yes sir.

(Reasonable time will be allowed this applicant in which to prove the marriage of her father and mother if she desires.)

Q Are you married? A Yes sir.

Q What is your husband's name? A Albert K. Rogers.

Q He is living? A Yes sir.

Q Do you claim that he is a Choctaw Indian by blood or is he a white man? A He is part Choctaw,--he is white.

Q Well, is he a white man or is he an Indian? A He is a white man.

Q Then you don't make any claim for him? A No sir.

Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes sir, three.

Q Give the name of the oldest? A Gertie Rogers.

Q How old is Gertie? A Six years old.

Q What is the name of the next? A Arthur M.

Q How old is he? A Three years old.

Q What is the name of the next? A Carrie.

Q How old is Carrie? A Nine months old.

Q Do you make application for yourself and these three children? A Yes sir.

Q Is Albert K. Rogers the father of these children? A Yes sir

Q And you are the mother? A Yes sir.

Q They are all living with you at your home? A Yes sir.

Q And you and your husband are living together as husband and wife? A Yes sir.

Q Were either of you married before you married each other? A He was.

Arrie Rogers-----3

- Q He was married before he married you? A Yes sir.
- Q Are there any children by that marriage that you want to make application for now? A No sir.
- Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A Yes sir, my father did.
- Q Did you? A No sir.
- Q Did your father make application for you at the time he made application for himself? A He went before the Indian Commission.
- Q When was that? A Four years ago.
- Q He made application to the Choctaw tribal authorities at that time? A Yes sir.
- Q Where was that? A At Tushkahomma.
- Q What was done with that application made by him for you at that time? A We never heard--he tried to get a hearing.
- Q Did he get a hearing? A No sir.
- Q He didn't go before them in a regular hearing? A No sir.
- Q He went to Tushkahomma and endeavored to get a hearing before the council? A Yes sir.
- Q And he did not succeed? A No sir.
- Q He was not sworn? A No sir.
- Q And no one testified? A No sir.
- Q Did you or any one for you or for your children make application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir, we tried to get a hearing.
- Q Who tried to get a hearing before the Commission? A My father.
- Q Why did he not succeed in getting a hearing in 1896? A It was not 1896, it was '98.
- Q Did you ever make application for yourself and children for citizenship in the Choctaw Nation to the Dawes Commission at any other time, or did any one make such an application for you--at any other time than 1896? A In 1898--he met the Indian Commission.
- Q What Indian Commission---Do you mean the Dawes Commission? A No sir, it was not the Dawes Commission.
- Q Who made application two years ago in 1898? A My father did.
- Q What is your father's name? A George W. Fletcher.
- Q Your father has since made application to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do I understand you to say that when your father made application for citizenship in the Choctaw Nation at Durant, Indian Territory, that he made application for you and your children, or did he not? A Yes sir.
- Q Are you sure about that? A No sir, I am not sure.
- Q Well, did he make application for you at that time? A Yes sir, I was there.
- Q You were there---did you make application for yourself? A No sir, I was down there---we never got no hearing.

Arrie Rogers-----4

Q The records of the Commission show that at Durant, Indian Territory, in 1898, before Commissioner McKennon, your father George Fletcher made application for himself and for no other person. The records show that he was sworn at that time and examined by Commissioner McKennon, and Mr McKennon said: "You not being on the rolls we have no right to enroll you"----Do you recollect that? A Yes sir, I believe I do.

Q Then your father did make application at that time? A Yes sir.

Q And he did not make application for you then? A No sir.

Q You were there ready to have application made for you but it was not made? A No sir, it was not made.

Q Has any other application been made for you or for your children except the application that you have already referred to? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No sir.

Q Do you now come before the Commission to be identified, you and your children, as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A No sir, I don't know as I do.

The treaty of 1830 was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September, 1830. The object of that treaty was to remove all of the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a large number of Choctaw Indians would refuse to go to the Choctaw nation, Indian Territory, and in order to protect their interests and preserve their rights, some provision was required to be made in the treaty of 1830. That provision was made in what was called article fourteen of that treaty, which is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege

Arrie Rogers-----5

of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that now so that you can claim under that article? A Yes sir, I think I do.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Fletcher.
- Q What was his full name? A Jim Fletcher.
- Q Was it Jim or James? A I understood him to be called Jim.
- Q Did he have a title? A Yes sir.
- Q What was it? A Captain.
- Q Did he live in Mississippi or in Alabama in what was known as the old Choctaw Nation? A In Mississippi, I think.
- Q He lived in Mississippi? A Yes sir.
- Q Did he live there in the year 1830? A Yes sir.
- Q Was he the head of a family there at that time? A I couldn't tell you---I have always been taught that he was.
- Q Have you been taught that your ancestor, Captain Jim Fletcher lived in the portion of the old Choctaw Nation in Mississippi in the year 1830 and was the head of a family there at that time? A I don't know whether it was 1830 or not.
- Q Answer the question, whether you ever heard anything about him living there and being the head of a family in 1830 or not? A I couldn't say positive.
- Q Did you ever hear that any Choctaw ancestor of yours lived in the old Choctaw Nation in Mississippi and Alabama and was the head of a family in the year 1830, other than Captain Jim Fletcher? A Nosir.
- Q Did he speak the Choctaw language? A Oh, I couldn't tell you.
- Q Did he have a Choctaw Indian name? A I couldn't tell you that.
- Q How much Choctaw blood did he have? A Through fourths.
- Q What proof have you that he had three fourths Choctaw blood? A I have always been taught that.
- Q Been taught that in the family have you? A Yes sir.
- Q It is a matter of family history and tradition, is it? A Yes sir.
- Q Your father, George W. Fletcher, in his application for identification as a Mississippi Choctaw made before the Commission January 15, 1902, said that he claimed through Captain James Fletcher---Is that the same person that you call Captain Jim Fletcher? A Yes sir.
- Q What relation was he to you? A Great grandfather.
- Q You claim through your father? A Yes sir.
- Q He claimed through which parent, his father or mother? A His mother.
- Q What was her maiden name? A Elisabeth Hoggard.
- Q She married a Fletcher? A Yes sir.
- Q What was his full name? A I couldn't tell you that---he died when my father was small.
- Q Elisabeth Hoggard---she claimed through which parent? A Mother.

Arrie Rogers-----6

- Q What was her mother's name? A Sallie Hoggard.
- Q What was her maiden name? A Sallie Fletcher.
- Q Sallie Fletcher claimed through whom? A Her father, Captain Jim Fletcher.
- Q And he was what relation to you? A Great, greatgrandfather.
- Q And not great grandfather as you stated a while ago? A No, sir, great great grandfather.
- Q Of all these relatives that you have mentioned from whom you are descended, from Captain Jim Fletcher down to you, did any of them ever live in the state of Mississippi except Captain Jim Fletcher? A I am not positive.
- Q But you have heard that he lived there? A Yes sir.
- Q And it is a matter of family history that he lived there in 1830? A Yes sir.
- Q And had children there at that time? A Yes sir?
- Q And was the head of a family at that time? A Yes sir.
- Q Do you know how old he would be if living now? A No sir.
- Q Do you know when he was born? A No sir.
- Q Do you know where he was born? A No sir.
- Q Do you know what part of his life he lived in Mississippi? A The first part of his life---I couldn't tell.
- Q Do you know when he left Mississippi and where he went to? A I have always been taught that he left there in 1834 and came to the Choctaw Nation.
- Q Did he come to the Choctaw Nation with the other Indians at the time they removed? A Yes sir.
- Q You have heard that? A Yes sir.
- Q Where did he settle in the Choctaw Nation when he came? A I couldn't say.
- Q Have you any recollection or family history or tradition of him after he came to the Choctaw Nation, Indian Territory? A No sir, I have heard my father talk about him.
- Q Can you tell anything that he said? A No sir.
- Q Did Captain Jim Fletcher ever go back to Mississippi? A I have been taught that he went back to Mississippi.
- Q Did he die in Mississippi? A No sir---I don't know.
- Q After he went back to Mississippi, did he stay there? A No sir, he came back here again, but I couldn't tell you ~~xxx~~ where he died.
- Q How many children did Captain Jim Fletcher have who lived with him in Mississippi in the old Choctaw Nation in 1830? A I don't know.
- Q How many of your relatives have made application to be identified as Mississippi Choctaws before the Commission previous to this application made by you? A My father and my father's brother.
- Q What was his name---your father's brother? A John Fletcher.
- Q Any others? A No sir.
- Q Has John Fletcher been before the Commission to be identified as a Mississippi Choctaw? A No sir, he died before the Commission came here.
- Q Then no others of your relatives have been here before the Commission except your father? A No sir.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I couldn't tell you.

Arrie Rogers-----7.

Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama in the old Choctaw Nation under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir, I guess not, I don't know.

Q Did any of your Choctaw ancestors claim any benefits of any kind under any other treaty made between the United States government and the Choctaw Nation than the treaty of 1830? A No sir, I guess not.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they they wanted to stay in Mississippi take land there and become citizens of the United States? A I don't know.

Q You claim that your great great grandfather, Captain Jim Fletcher, did go to the Choctaw Nation, Indian Territory, in the year 1834? A Yes sir.

Q And that he afterwards went back to Mississippi? A Yes sir, I heard them say he made a trip or two back there.

Q Do you know whether he eventually died in Indian Territory?

A No sir, I couldn't say.

Q You are not able to give the name of the children that were in his family? A No sir.

Q Your father, George W. Fletcher, claimed through his mother, Elizabeth Hoggard? A Yes sir.

Q How old would she be if living now? A I don't know.

Q Did she ever live in Mississippi? A No sir.

Q Where was your father born? A In the Choctaw Nation.

Q Where was his mother born? A I couldn't tell you.

Q You never heard that she was born in Mississippi, did you?

A No sir, I never heard.

Q She claimed through her mother Sallie Hoggard? A Yes sir.

Q Did you ever hear that Sallie Hoggard was born in Mississippi?

A No sir, I never heard.

Q Then all the information that you can give in reference to any of your kin through whom you claim your Choctaw blood is that your great great grandfather, Captain Jim Fletcher, lived in Mississippi at one time? A Yes sir.

Q And you don't know anything about his descendants? A No, sir, I don't know.

Q Your father in his application said that Captain James Fletcher came to the Choctaw Nation in 1836--you think 1834 was the date? A Yes sir.

Q Your father also testified in his application that Captain James Fletcher owned improvements there in 1830--you say you don't think he did? A I said I didn't know.

Q Do you know whether the name of your ancestor, Captain James or Jim Fletcher appears upon any list or record made, showing that he was a beneficiary under any article of the treaty of 1830? A Yes sir, I have heard that.

Q What record did you hear his name was on? A On the Choctaw Indian rolls.

Q Did you ever hear of Volume 7 of the American State Papers?

A No sir.

Arrie Rogers-----8

Q Was your great great grandfather the same Captain James Fletcher whose name appears upon page 95 of Volume 7 of the American State Papers as a beneficiary under article nineteen of the treaty of 1830? A I couldn't tell you that.

Q You don't know how many children there were in his family in 1830? A No sir.

W You never heard that there were seven children in his family?

A I may but I have forgot---I don't know how many there was.

Q You don't know how many acres he had in cultivation in Mississippi? A No sir.

Q Do you know whether Captain James Fletcher had any brothers or sisters? A I don't know of any.

The Choctaw Indians who remained back in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the United States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His failure to make a proper registration of all of the Choctaw Indians who endeavored to register under article fourteen caused a great many Indians who had land in the old Choctaw Nation to lose both their land and the improvements they had on it---both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians, so that in 1837, by an act approved March 3, of that year, Congress ~~xxxxx~~ appointed a Commission, and this Commission went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by an act approved August 23 of that year, another commission was appointed by Congress and this commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either of these Commissions, the Commission of 1837 or the Commission of 1842, and claim benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors ever received any scrip or certificate from the government of the United States which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, to replace the land which they claimed the government took from them in Mississippi and sold---This scrip was issued under the act of Congress of August 23, 1842? A I don't know.

Q Have you any witnesses you want to introduce now or any affidavits that you want to file? A Yes, I have this paper.

Affidavit of W. H. Shults presented by applicant, received filed, marked Exhibit A, and made a part of the record in this case.

Q Do you know of any person or persons whom you could produce before the Commission to further support your claim for identification as a Mississippi Choctaw---any witnesses that you want

Arrie Rogers-----9

to introduce? A No sir.

Q Do you speak the Choctaw language? A No sir.

This applicant has the physical appearance and characteristics of being descended from white parentage; brown eyes, medium fair complexion and brown hair. She has no knowledge of the Choctaw language and no knowledge of any compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

H. C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 25th day of March, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H. C. Risteen

Subscribed and sworn to before me at Muskogee, Indian Territory, this 25th day of March, 1902.

Carroll Mitchell Wood

Notary Public.

Mississippi Choctaw
4515, 4516, 4517,
4518, 5001, 5010.

Muskogee, Indian Territory, May 6, 1902.

Thomas J. Fletcher,
Chugris, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 2,
inclosing the following evidence for filing in support of applica-
tions for identification as Mississippi Choctaws:

Six affidavits each of Patey Poff, William Hoggard and
L. V. Wright to be filed in support of the applications of Susan
Fletcher, Mary E. McKee, et al., Nancy Fletcher, Thomas J. Fletcher,
et al., Arrie Rogers et al., Florence McKee, et al. for identifica-
tion as Mississippi Choctaws, and the same have been filed with and
made a part of the records in the above named cases.

You are advised that the Commission cannot take up and pass
upon the sufficiency of the evidence offered in support of applica-
tions until the same are reached for consideration and determination.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIRBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

11/10/13
REFER IN REPLY TO THE FOLLOWING

M.C.R. 5001

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 11, 1903.

Arrie Rogers,

Wetumka, Indian Territory.

Dear Madam:

You are hereby advised that on the 11th day of February, 1903, the Commission to the five Civilized Tribes rendered a decision in the consolidated case of George W. Fletcher, et al., embracing the following applications for identification as Mississippi Choctaws:

George W. Fletcher, et al.,	M.C.R. 4514
Thomas J. Fletcher, et al.,	M.C.R. 4516
Mary E. McKee, et al.,	M.C.R. 4516
Florence McKee, et al.,	M.C.R. 5010
Arrie Rogers, et al.,	M.C.R. 5001
Nancy Fletcher,	M.C.R. 4517
Susan Fletcher,	M.C.R. 4518
Nancy Leonard, et al.,	M.C.R. 5244
Annie Skellenger, et al.,	M.C.R. 5517
Margaret Partain, et al.,	M.C.R. 5518
Frank Leonard,	M.C.R. 5608
Othelia Taylor, et al.,	M.C.R. 5519
Johnnie Hatton, et al.,	M.C.R. 5521
Leora Blackman, et al.,	M.C.R. 5522
Eddie Harris, et al.,	M.C.R. 5523
John Perry Limmey, et al.,	M.C.R. 5504
Louisa Lane, et al.,	M.C.R. 5245

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United

Arrie Rogers,-2

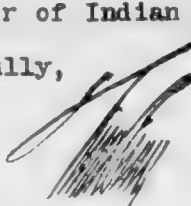
States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George W. Fletcher, Leonie Fletcher, Clara Fletcher, Thomas J. Fletcher, Susan Fletcher, Maggie Fletcher, Amanda Fletcher, Jasper T. Fletcher, Clara Fletcher (2), Mary E. McKee, Willie M. McKee, James A. McKee, Clara I. McKee, George W. McKee, Barbara McKee, Florence McKee, Ella McKee, George McKee, Laura McKee, Eddie McKee, Oliver McKee, Mandy McKee, Arrie Rogers, Gertie Rogers, Arthur M. Rogers, Carrie Rogers, Nancy Fletcher, Susan Fletcher, Nancy Leonard, William Leonard, Joseph Leonard, Charles Leonard, Ammie Leonard, Annie Skellenger, George Skellenger, Emery Skellenger, Margaret Partain Myrtel Partain, Jimmie Partain, Alonzo Partain, Frank Leonard, Othelia Taylor, Malethia Taylor, Johnnie Hatton, Pearl Hatton, William Hatton, Coke Hatton, George Edward Hatton, Leora Blackman, Johnnie Blackman, Jimmie Blackman, Altha Blackman, Mabry Blackman, Albert Blackman, Eddie Harris, Dora Harris, John Perry Linney, Stella Linney, Myrtle May Linney, Louisa Lane, Joseph Lane, Jesse Lane and Lennon Lane as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,



Acting Chairman.

Registered.

M.C.R. 5001

COPY.

Muskogee, Indian Territory, August 8, 1903.

Arrie Rogers,

Wetumka, Indian Territory.

Dear Madam:

You are hereby notified that on the 28th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George W. Fletcher, et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,

T. B. Needles.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 23 1904



CHAIRMAN

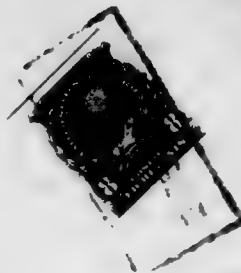


2179

Arrie Rogers,

Wetumka, Indian Territory.

Reg 13



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



No. 2001

For Identification as a Mississippi Choctaw.

Date

MAR 25 1902

Name Arrie Rogers.

Age 29 — Blood 1/8 (?)

Post Office, Wetumpka, I.T.

Father: George W. Fletcher, C.

Mother: Susan Fletcher, C.

Claims through

father.

~~Husband~~

Albert K. Rogers, C. W.

No claim for husband.

Children:

Gertie Rogers, 6

Arthur M. " 3

Carrie " 9 m.

Claims for self &
children.

Stenographer

H. C. Ristron.

Choctaw MCR 5002

Lou E. Smith

See MCR 37, 5003, 5005, 5938
5939

MCR 5002

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

))))((((

In the matter of the application of Lou E. Smith, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of -

Lou E. Smith, et al.,	M.C.R. 5002
Charlie Zumwalt,	" 37
Addie Hedrick, et al.,	" 5003
Lucy Ellen Wever, et al.,	" 5005
Maggie L. Ashby, et al.,	" 5938
Dora J. Whitney,	" 5939

---- I N D E X ----

List of papers forwarded to the Secretary of the Interior, comprising
the record in the case of Lou E. Smith, et al., M.C.R. 5002.

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Ex parte affidavit of Lou E. Smith, - - - - -	2
Ex parte affidavit of M. E. Hedrick, - - - - -	3
Ex parte affidavit of Charley Zumwalt, - - - - -	4
Original application of Lou E. Smith to the Dawes Com- mission for enrollment as a Choctaw by blood, - - - - -	5
Certificate of E. J. Fannin, Clerk of United States Court Central District, Indian Territory, certifying that the foregoing is a true copy of what purports to be the de- position of Emily J. Zumwalt, which is among the papers in the case of Emily J. Zumwalt on file in his office, - -	33

Purported ex parte affidavit of James H. Whitney, - - - -	7
Ex parte affidavit of B. F. Zumwalt, - - - - -	8
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Ex parte affidavit of J. W. Bryan, - - - - -	11
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Return registry receipt, - - - - -	14
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Ex parte affidavit of Amanda Whitney, - - - - -	16
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Original application of Addie Hedrick to the Dawes Commission for enrollment as a Choctaw, - - - - -	21
Petition of Lou E. Smith and M. E. Hedrick to the Dawes Commission for enrollment as Choctaws, - - - - -	22
Petition on behalf of Lou E. Smith for herself and her minor children, Charlie T., Dora F., George E. and William H. Smith; Mary A. C. Hedrick for herself and her minor children, Mary F., Joseph B. and Radford L. Hedrick, and Charlie Zumwalt for himself, addressed to the Honorable Secretary of the Interior and the Honorable Commissioner of Indian Affairs, - - - - -	23
Purported copy of original application of Emily Jane Zumwalt, et al., to the Dawes Commission for enrollment as Choctaws by blood, - - - - -	24
Purported copy of petition for an appeal from the order of the Dawes Commission admitting Emily H. Zumwalt to citizenship in the Choctaw Nation and submitted by the Attorneys for the Choctaw Nation, - - - - -	29
Purported copy of ex parte affidavit of Emily J. Zumwalt,	32

Copy of ex parte affidavit of Charley Mule, - - - - -	34
Copy of ex parte affidavit of George Dillard, - - - - -	35
Copy of ex parte affidavit of Henry Hardy, - - - - -	36
Copy of ex parte affidavit of Emily J. Zumwalt, - - - - -	37
Copy of ex parte affidavit of R. T. Vowel, - - - - -	38
Certificate of E. J. Fannin, Clerk of United States Court, Central District, Indian Territory, certifying that the foregoing affidavits are true copies of the originals which are with the papers in the case of Emily Zumwalt vs. Choctaw Nation, on file in his office, - - - - -	39
Copy of Special Master's report in the case of Emily J. Zumwalt vs. Choctaw Nation, - - - - -	40
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*Substitute this page
for page 4 heretofore filed
5002*

Decision of the Commission refusing the application for enrollment as citizens by blood of the Choctaw Nation of Lucy Ellen Weaver and her minor child, Granfill Otto Weaver. - - - - -53

Copy of letter transmitting above decision. - - - - -54

Return registry receipt. - - - - -55

Copy of letter of the Commission, dated March 11, 1902, addressed to Lucy Ellen Weaver, Alma, Indian Territory, granting her thirty days within which to submit testimony showing that she and her minor child as entitled to be identified as Mississippi Choctaws. - - - - -56

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Copy of letter of the Commission dated July 2, 1902, addressed to Mrs. L. E. Weaver, Cornish, I. T., granting until August 1, 1902, to appear before the Commission to make application for herself and minor child to be identified as Mississippi Choctaws. - - - - -59

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Ex parte affidavit of James Whitney. - - - - -61

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Certified copy of marriage record between S. S. Ashby and M. C. Whitney. - - - - -66

Affidavit of Birth of Maggie Lee Ashby (nee Whitney). - - -67

Birth affidavit of Edmond S. Ashby (NOTE: who has since died). - - - - -68

Decision of the Commission refusing the application of Maggie L. Ashby for enrollment of herself and her minor child, Edmond S. Ashby, as Choctaws. - - - - -69

Copy of letter transmitting above decision. - - - - -70

Return registry receipt. - - - - -71

Copy of letter of Commission addressed to Maggie L. Ashby Hexbar, I. T., granting 30 days within which to submit testimony tending to show that she and her minor child are entitled to be identified as Mississippi Choctaws. ---72

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Copy of letter transmitting above decision, - - - - -	88
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Copy of letter of Commission, dated March 11, 1902, addressed to Dora Jane Whitney, Centre, I. T., granting 30 days from above date within which to offer testimony showing that she is entitled to be identified as a Mississippi Choctaw, - - - - -	90
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Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of Lou E. Smith as a Choctaw; being sworn and examined by Com'r McKennon she testifies as follows:

Q What is your name? A Lou E. Smith.

Q How old are you? A Twenty-eight.

Q Are you on the Choctaw rolls? A No sir.

Q Have you ever been? A No sir.

Q Have your father and mother ever been on the Choctaw rolls?

A No sir.

Q Where do you live? A At Ardmore.

Q How long have you lived there? A Three years.

Q You came from Texas? A Yes sir.

Q Came there three years ago from Texas? A Yes sir. We have lived here off and on all of our lives.

Q You have never been admitted here as a citizen? A No sir.

Com'r McKennon: Enrollment is refused.

Department of the Interior

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 14, 1900.

In the matter of the application of Lou E. Smith for enrollment as a Choctaw by blood; being sworn and examined by Acting Chairman Bixby she testifies as follows:

- Q What is your name? A Lou E. Smith.
Q What is your age? A I am thirty.
Q What is your post-office address? A Ardmore, I. T.
Q How long have you lived at Ardmore? A I have been living there four years.
Q Been living there all the time for four years? A Yes sir.
Q Where did you live before moving to the Indian Territory?
A We lived in Montague County, Texas.
Q How many years had you lived in Texas? A Four or five years I reckon.
Q Where did you live before that? A In the Territory.
Q Where were you born? A Grayson County, Texas.
Q What is the name of your father? A Frank Zumwalt
Q He living? A Yes sir.
Q Is he a Choctaw Indian? A No sir.
Q White man? A Yes sir.
Q What is the name of your mother? A Her maiden name was Mandy Ann Whitney.
Q She living? A No sir. did she
Q What proportion of Choctaw blood ~~do you claim to have?~~
A One quarter.
Q Was her name ever on the Choctaw Tribal rolls? A No sir.
Q Was she ever recognized by the Tribal authorities as a Choctaw Indian? A Not as I know of.
Q What proportion of Choctaw blood do you claim to have?
A One-eighth.
Q Has your name ever been on the Choctaw rolls? A No sir.
Q Were you ever recognized by the Tribal authorities as a Choctaw Indian? A No sir.
Q Did you apply to the Choctaw authorities for enrollment as a Choctaw Indian? A No sir.
Q Did you apply to the Dawes Commission in 1896? A No sir.
Q Is this your first application? A Yes sir.
Q Are you married? A Yes sir.
Q Are you making any claim in behalf of your husband?
A No sir.
Q Have you any children under twenty-one years of age and unmarried? A Yes sir.
Q What is your husband's name? A Henry Smith.
Q He living? A Yes sir.
Q Did you marry him under Choctaw law? A No sir.
Q United States law? A Yes sir.
Q Where? A In Montague County, Texas.
Q Have you your marriage license and certificate with you?
A No sir.
Q Do your children live with you? A Yes sir.
Q Their residence and post-office address is the same as your own?
A Yes sir.
Q What are the names and ages of your children? A Charlie J. T. ten years old; Dora E., seven years old; Georgia E., five years old; William H., three years old; Linnie Ethel, seven months old.
Q Is there any additional statement in regard to your case that you would like to make at this time? A No sir, I believe not.
Q Have you any papers you would like to file with the Commission?
A No sir.
Q Didn't you send your papers to Chester Howe? A Yes sir, we have got some from him out at the wagon; some that Chester Howe sent to us.
Q What papers are these on file with the Commission, do you know?
A No sir.

Lou E. Smith et al #2

- Q These are to be in your case? A They may be, I don't know.
(Applicant here goes after other papers out in wagon.)
Examined by Attorney Pool:
- Q What did you say your mother's name was? A Mandy Ann Zumwalt.
- Q Who were her sisters and brothers? A James H. Whitney and Anna J. Zumwalt.
- Q Are they enrolled? A Yes sir.
- Q They have been enrolled by the Commission to the Five Civilized Tribes? A Yes sir.
- Q As citizens of the Choctaw Nation? A Yes sir.
- Q Have you ~~any other~~ other relation enrolled? (A Yes sir.)
- Q What is the name? A Annie Zumwalt.
- Q She has been enrolled by the Commission to the Five Tribes as a citizen of the Choctaw Nation? A Yes sir.
- Examined by Act'g Chairman Bixby:
- Q Do you know why they were enrolled by this Commission?
A No sir.
- Q You know that they were admitted by a judgment of the United States Court? A Yes sir, my Aunt and uncle and my sister.
- Q That is all of your family that you know that have been enrolled by this Commission? A Yes sir, that's all.
- Q These members of your family who have been enrolled by this Commission under authority of the judgment of the United States Court were never recognized by the Tribal authorities as Choctaw Indians were they? A I don't know.
- Q You never heard that they were did you? A No sir.

The enrollment of yourself and your children is refused, for the reason that it does not appear that the names of yourself and your children are found upon the Tribal rolls of the Choctaw Nation now in the possession of this Commission, and for the further reason that the testimony in this case and the records in our possession show that you have never been recognized by the properly constituted tribal authorities of ~~this~~ the Choctaw Nation as Choctaw Indians by blood, and that neither you or your children were admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the law of June 10th, 1896, or by a judgment of the United States Court in the Indian Territory.

The testimony in this case, and such papers as you may file with the Commission will be transmitted to the Honorable Secretary of the Interior for his consideration when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above is a full, true and complete transcript of his stenographic notes taken in said case.

Subscribed and sworn to before is this 30 day of June 1900.

M.D. Green
Acting Chairman.

POOR ORIGINAL -
BEST AVAILABLE COPY

JWL

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lou E. Smith, et al.,
for identification as Mississippi Choctaws, consolidating the appli-
cations of -

Lou E. Smith, et al.,	M.C.R. 5002
Charlie Sumwalt,	" 37
✓ Addie Hedrick, et al.,	" 5003
Lacy Ellen Weaver, et al.,	" 5005
Maggie L. Ashby, et al.,	" 5030
Dora J. Whitney,	" 5039

--- D E C I S I O N ---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Charlie Sumwalt for himself; by Maggie L. Ashby for herself and
her minor child, Wannie M. Ashby, and by Dora J. Whitney for herself
under the following provision of the act of Congress approved June
26, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that the following persons made application to this Commission for enrollment as Choctaws by blood, to-wit: Lou E. Smith for herself and her five minor children, Charlie T., Dora F., Georgia E., William H. and Linnie Ethel Smith; by Addie Hedrick for herself and her three minor children, Mary Francis, Joe Brown and Radford Lee Hedrick, and by Lucy Ellen Weaver for herself and her minor child, Granfill Otto Weaver; that thereafter notices were sent by registered mail to the several applicants who had appeared before this Commission and made applications for enrollment as Choctaws by blood, notifying them that they would be allowed thirty days from the date of said notices in which to submit proof that they were descendants of Choctaw Indians who resided in Mississippi in eighteen hundred and thirty, and who complied or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek," and that in response to said notices these applicants filed with the Commission certain affidavits wherein they claimed a right to be identified as such Mississippi Choctaws and thereupon their applications were treated as Mississippi Choctaw applications and consolidated with those of other applicants claiming through the same common ancestor.

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Wade (or Waid) Whitney, who is alleged to have been possessed of some Choctaw blood (degree thereof not stated), and Susan (or Susie)

Whitney (or Hunker), who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Wade (or Waid) Whitney, or the said Susan (or Susie) Whitney (or Hunker), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lou E. Smith, Charlie T. Smith, Dora F. Smith, Georgia E. Smith, William H. Smith, Linnie Ethel Smith, Charlie Zumbalt, Addie Hedrick, Mary Francis Hedrick, Joe Brown Hedrick, Radford Lee Hedrick, Lucy Ellen

Weyer, Granfill Otto Weyer, Maggie L. Ashby, Marnie M. Ashby and
Dora J. Whitney, as Choctaw Indians entitled to rights in the Choctaw
lands under the provisions of article fourteen of the treaty of
eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tamc Dixby.
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory.

OCT 21 1902

Muskogee, Indian Territory, May 9, 1900.

Mr. Chester Howe,

Attorney at Law,

623 F Street, N. W. Washington,

Dear Sir:

The Commission is in receipt of the petition, Affidavits and exhibits forwarded by you in the case of Lou E. Smith et al. vs. the Choctaw Nation, to the Secretary of the Interior and the Commissioner of Indian Affairs, and by the Commissioner of Indian Affairs transmitted to this Commission. The applicants in the petition, Lou E. Smith on behalf of herself and her minor children, Mary A. C. Hedrick on behalf of herself and her minor children and Charley Zumwalt on his own behalf, as stated in their petition, did appear before this Commission as applicants for enrollment when the Commission was at Atoka, August 30th, 1899. In their testimony before the Commission given at that time, they did not claim to be on any of the rolls of the Choctaw Nation, nor were their mothers and fathers ever enrolled as Choctaws, nor had they been admitted as citizens of the Choctaw Nation by this Commission or by the judgment of the United States Court on appeal. The petitioners now claim the right to be enrolled by this Commission in pursuance of the judgment rendered by the United States Court for the Central District of the Indian Territory, August 25th, 1897, in court case Number 233, Emily H. Zumwalt et al. vs. the Choctaw Nation. Admitted to citizenship by the judgment of

O.H. 2.

the court in this cause were Emily Jane Kinnalt, James H. Whitney and Amanda A. Kinnalt. The petition of your clients now claims the right to enrollment upon the ground that they were and are the brothers and sisters and immediate relatives of the parties admitted to Choctaw citizenship by the judgment of the court in this cause. The Commission denies the application for enrollment of Lou E. Smith on her own behalf and on behalf of her minor children, Mary A. G. Hedrick on her own behalf and on behalf of her minor children, and Charley Kinnalt on his own behalf, for the reason that they do not appear on any of the rolls of the Choctaw Nation; that neither their fathers nor mothers appeared upon any such rolls; that they have not been recognized by any constituted authority of the Choctaw Nation; that they were not admitted to citizenship by this Commission under the act of June 10, 1896, nor by the judgment of the United States Court in the Indian Territory on appeal from the decision of this Commission.

You will therefore please so notify each of the parties interested in this case. The Commission has filed the petition submitted by you to the Secretary of the Interior and the Commissioner of Indian Affairs, together with the testimony given by the parties when they appeared before the Commission, to be forwarded to the Secretary of the Interior when the rolls of the Choctaw Nation, now being prepared by the Commission, are forwarded for review.

You will also notify the interested parties hereto that they will be allowed to appear before the Commission and make any oral statements under oath, which they may desire, in furtherance

S. H. 3.

of their claim, or to submit any further affidavits or written testimony, prior to the forwarding of the chosen rolls to the Secretary of the Interior.

Yours truly,

Acting Chairman.

Miss. Choctaw 5002

Muskogee, Indian Territory, April 2, 1902.

Lou E. Smith,

Ardmore, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the twenty ninth instant, inclosing affidavits of Lou E. Smith, Amanda White, and James H. Whitney, relative to your right to identification as a Mississippi Choctaw, and the same have been filed with and made a part of the record in your case.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AYERSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5002

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 21, 1902

Lou E. Smith,

Ardmore, Indian Territory.

Dear Madam:

You are hereby advised that on the 21st day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lou E. Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Lou E. Smith, et al.,	M.C.R. 5002
Charlie Zumwalt,	M.C.R. 37
Addie Hedrick, et al.,	M.C.R. 5003
Lucy Ellen Weaver, et al.,	M.C.R. 5005
Maggie L. Ashby, et al.,	M.C.R. 5938
Dora J. Whitney,	M.C.R. 5939

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

L E S 2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lou E. Smith, Charlie T. Smith, Dora F. Smith, Georgia E. Smith, William H. Smith, Linnie Ethel Smith, Charlie Zumwalt Addie Hedrick, Mary Francis Hedrick, Joe Brown Hedrick, Radford Lee Hedrick, Lucy Ellen Wever, Cranfill Otto Wever, Maggie L. Ashby, Nannie M. Ashby and Dora J. Whitney as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.



Acting Chairman.

COPY.

M.C.R. 5002

Muskogee, Indian Territory, October 21, 1902

J. O. Pool,

Attorney at Law,

Nocona, Texas.

Dear Sir:

You are hereby advised that on the 21st day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lou F. Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Lou F. Smith, et al.,	M.C.R. 5002
Charlie Zumwalt,	M.C.R. 37
Addie Hedrick, et al.,	M.C.R. 5003
Lucy Ellen Wever, et al.,	M.C.R. 5005
Maggie L. Ashby, et al.,	M.C.R. 5938
Dora J. Whitney,	M.C.R. 5939

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

J O P 3

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lou E. Smith,, Charlie T. Smith, Dora F. Smith, Georgia E. Smith, William H. Smith, Linnie Ethel Smith, Charlie Zumwalt, Addie Hedrick, Mary Francis Hedrick, Joe Brown Hedrick, Radford Lee Hedrick, Lucy Ellen Wever, Cranfill Otto Wever, Maggie L. Ashby, Nannie M. Ashby and Dora J. Whitney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

John L. Smith

Registered.

Acting Chairman.

Muskogee, Indian Territory, October 21, 1902

J. P. Mullen,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lou E. Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Lou E. Smith, et al.,	M.C.R.5002
Charlie Hamwalt,	M.C.P. 37
Addie Hedrick, et al.,	M.C.R.5003
Lucy Ellen Wever, et al.,	M.C.R.5005
Maggie L. Ashby, et al.,	M.C.P.5938
Dora J. Whitney,	M.C.P.5939

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

J P H S

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lou M. Smith, Charlie T. Smith, Dora F. Smith, Georgia P. Smith, William H. Smith, Linnie Ethel Smith, Charlie Zusswalt, Addie Hedrick, Mary Francis Hedrick, Joe Brown Hedrick, Radford Lee Hedrick, Lucy Ellen Weyer, Cranfill Otto Weyer, Vaggie L. Ashby, Nannie K. Ashby and Dora J. Whitney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

Muskogee, Indian Territory, October 21, 1902

Chester Howe,
Attorney at Law,
623 F. Street, N. W.
Washington, D. C.

Dear Sir:

You are hereby advised that on the 21st day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lou E. Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Lou E. Smith, et al.,	M.C.R. 5002
Charlie Zumwalt,	M.C.R. 37
Addie Hedrick, et al.,	M.C.R. 5003
Lucy Ellen Weaver, et al.,	M.C.R. 5005
Maggie L. Ashby, et al.,	M.C.R. 5934
Dora J. Whitney,	M.C.R. 5939

These applications were made under the provision of the act of Congress of June 28, 1898 (30 stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of

the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lou K. Smith, Charlie T. Smith, Dora E. Smith, Georgia E. Smith, William K. Smith, Linnie Ethel Smith, Charlie Zumwalt, Addie Hedrick, Mary Frances Hedrick, Joe Brown Hedrick, Radford Lee Hedrick, Lucy Ellen Weyer, Granfill Otto Weyer, Maggie L. Ashby, Nannie W. Ashby and Dora J. Whitney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused and it is so ordered."

You are ~~further~~ advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

Muskogee, Indian Territory, October 21, 1902.

Mansfield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lou E. Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Lou E. Smith, et al.,	M.C.R.5002
Charlie Zumwalt,	M.C.R. 37
Addie Hedrick, et al.,	M.C.R.5003
Lucy Ellen Weaver, et al.,	M.C.R.5005
Maggie L. Ashby, et al.,	M.C.R.5938
Dora J. Whitney,	M.C.R.5939

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lou H. Smith, Charlie T. Smith, Dora F. Smith, Georgia E. Smith, William H. Smith, Linnie Ethel Smith, Charlie Zumwalt, Addie Hedrick, Mary Francis Hedrick, Joe Brown Hedrick, Radford Lee Hedrick, Lucy Ellen Weaver, Cranfill Otto Weaver, Maggie L. Ashby, Hannie W. Ashby and Dora J. Whitney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Acting Chairman.

Miss. Choctaw R5002

Muskogee, Indian Territory, November 6, 1902.

J. O. Pool,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 4, inclosing brief in the matter of the application of Lou E. Smith, et al. for identification as Mississippi Choctaws, and the same has been on this date transmitted to the Secretary of the Interior for consideration, through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman

M C R 5002

COPIES

Washoe, Indian Territory, November 5, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Lou E. Smith, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 21, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Lou E. Smith, et al.,	M C R 5002
Charlie Russell,	M C R 57
Addie Hedrick, et al.,	M C R 5003
Lucy Ellen Weaver, et al.,	M C R 5005
Maggie L. Ashby, et al.,	M C R 5936
Dora J. Whitney,	M C R 5939.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

There is also transmitted herewith for the consideration of the Department in connection with this case, what purports to

be a brief filed November 2, 1902, by J. O. Poul, attorney for the applicants in cases M C R 5002, Lon E. Smith, et al.; M C R 57, Charley Russell; M C R 5003, Addie Hendrick, et al.

Respectfully,

(SIGNED).

Tamie Dixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M C R 5002

Land.

67834-1903. DEPARTMENT OF THE INTERIOR, (COPY)
OFFICE OF INDIAN AFFAIRS.
WASHINGTON, April 24, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith, the record of the Commission to the Five Civilized Tribes in the consolidated case of Lou E. Smith et al., applicants for identification as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on August 21, 1902.

Said consolidated case embraces the individual applications of Lou E. Smith for herself and her five minor children Charlee T., Dora F., Georgia E., William H., and Linnie Ethel Smith; Addie Herrick for herself and her three minor children, Mary Francis, Joe Brown and Radford Lee Hedrick, Jucy Ellen Wever for herself and her minor child, Cranfill Otto Wever; Charlie Zumwalt for himself; Maggie L. Ashby for herself and her minor child, Minnie M. Ashby, and Dora J. Whitney for herself.

The Commission finds that all of the applicants claim the right to identification as Mississippi Choctaws by reason of being descendants of Wade (or Waid) Whitney, and Susan (or Susie) Whitney (or Khunker).

The Commission bases its decision rejecting the applicants on the ground that it does not appear from the evidence,

or from the records in the possession of the Commission that any of said ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or presented a claim to benefits thereunder.

An examination of the testimony makes it appear that the applicants also claim descent from William (or Bill) Whitney and Susan Whitney (nee Norton).

The records of this office do not show the names of Wade (or Waid) Whitney, Susan (or Susie) Whitney (or Khunker), William (or Bill) Whitney, and Susan Whitney (nee Norton) or ancestors less remote in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, or received benefits thereunder.

Such appearing to be the fact, it is recommended that the decision of the Commission rejecting the applicants for identification as Mississippi Choctaws, be approved.

It further appears from the record in this case that on September 8, 1896, James H. Whitney, the father of two of the said applicants (Maggie L. Ashby and Dora Jane Whitney) made application to the Commission, under the act of June 10, 1896, for citizenship in the Choctaw Nation; that on December 7, 1896, the Commission rendered its decision admitting said James H. Whitney as a citizen of the Choctaw Nation by blood; that from said decision the Choctaw Nation appealed to the U. S. Court for the Central District of the Indian Territory; that on August 25, 1897, a decree was entered by the court affirming the Commission's decision admitting the said James H. Whitney and that no appeal was taken therefrom.

Inasmuch as the testimony shows that Maggie L. Ashby and Dora Jane Whitney were respectively 14 and 13 years of age in 1896, it would seem that they were minors at the date their father made application for citizenship and that they would have been enrolled with him had he not inadvertently, as they claim, failed to make application for them.

It is accordingly further recommended that the record in said consolidated case be referred to the Commission with direction to reconsider the application of Maggie L. Ashby and Dora Jane Whitney for citizenship in the Choctaw Nation by blood, and to render decision therein after the citizenship court of said Nation shall have entered its final decree in the case of their father, James H. Whitney, following the ruling of the Department in the case of Pruea L. Rowland, et al., dated January 24, 1903, (I. T. D. 7989-1902).

Very respectfully,

A. C. Tonner,

Acting Commissioner.

EBV

C

DEPARTMENT OF THE INTERIOR, FHE
WASHINGTON. May 24, 1904.

DC-17604-1904
I. T. D. 4054-1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On November 6, 1902, you transmitted the record in the consolidated case embracing the applications of Lou E. Smith (M. C. R. 5002), et al., for identification as Mississippi Choctaws, including your decision of October 21, 1902, rejecting the applicants.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of Wads (or Waid) Whitney, and Susan (or Susie) Whitney (or Khunker), also William (or Bill) Whitney and Susan Whitney (nee Norton).

The evidence furnished by the record, as well as the evidence contained in the records of the Indian Office, fails to show that any of said ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or the subsequent acts of Congress relating thereto.

Reporting April 24, 1903, the Acting Commissioner of Indian Affairs recommends that your decision rejecting the application for identification of the applicants as Mississippi Choctaws be approved.

The record shows that prior to the application of the applicants herein for identification as Mississippi Choctaws, application was made for certain of the applicants, for enrollment as citizens by blood of the Choctaw Nation, including the applicants Maggie L. Ashby and Dora J. Whitney, and that said applications were rejected by your Commission.

The Acting Commissioner calls attention to the evidence, which shows that James H. Whitney, the father of two of the applicants herein, Maggie L. Ashby and Dora J. Whitney, was admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, by a decision dated December 7, 1896, which decision was affirmed by the United States Court for the Central District of Indian Territory on August 25, 1897. It also appears that Maggie L. Ashby and Dora J. Whitney were 16 and 12 years of age, respectively, in 1896.

The Acting Commissioner further recommends that the case be referred to you, with directions to reconsider the applications of Maggie L. Ashby and Dora J. Whitney for citizenship in the Choctaw Nation by blood, and to render a decision therein, after the citizenship court of said nation shall have rendered its final decree in the case of James H. Whitney, following the ruling of the Department in the case of Pruea L. Rowland, et al., dated January 24, 1903 (I.T. D. 7989-1902).

Your decision rejecting the application for the identification of the applicants as Mississippi Choctaws is approved.

The Department is not informed whether the case of James H. Whitney is before the Choctaw-Chickasaw Citizenship Court. The record is returned to you for appropriate action as to Maggie L. Ashby and Dora J. Whitney, in accordance with the suggestions contained in the Acting Commissioner's letter, if the case of James H. Whitney is before the Choctaw-Chickasaw Citizenship Court for adjudication, or has been before said court.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

2 inclosures.

Acting Secretary.

Muskogee, Indian Territory, June 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On November 6, 1902, the Commission transmitted the record in the consolidated case of Lou H. Smith, et al., M.C.R. 5002, together with the decision refusing the applications of the several persons included therein, for identification as Mississippi Choctaws.

The Department in its letter of May 24, 1904, (I.T.D.4054-1903), approved the decision of the Commission in said case insofar as it refused the applications of the applicants therein for identification as Mississippi Choctaws, but returned the record theretofore forwarded with instructions "to reconsider the applications of Maggie L. Ashby and Dora J. Whitney for citizenship in the Choctaw Nation, by blood, and to render a decision therein, after the citizenship court of said nation shall have rendered its final decree in the case of James H. Whitney," inasmuch as it appears from the record in said case that James H. Whitney, the father of said children, was, on December 7, 1896, admitted to citizenship in the Choctaw Nation by this Commission, which decision was, on August 25, 1897, affirmed by the United States Court for the Central District, Indian Territory.

I have the honor to report in this connection that on

Secretary---2

April 14, 1904, this Commission forwarded to the Department a certified copy of the decree of the Choctaw and Chickasaw Citizenship Court, sitting at South McAlester, Indian Territory, in the case of Emily J. Samwalt, et al., No. 104, wherein the rights of James H. Whitney, as a citizen by blood of the Choctaw Nation, were adversely adjudicated by said court.

The original record in the case of Lou E. Smith, et al., is, therefore, herewith, returned.

Respectfully,

Through the Commissioner
of Indian Affairs.

Chairman.

Enc JD 6/17

COPY.

M .C.R. 5002

Muskogee, Indian Territory, June 20, 1904.

Lou E. Smith,

Ardmore, Indian Territory,

Dear M adam:

You are hereby notified that the Secretary of the Interior, on May 24, 1904, affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lou E. Smith et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

(SIGNED)

Chairman.

COPY.

Muskogee, Indian Territory, June 20, 1904.

Mansfield, McMurray & Cernish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior, on May 24, 1904, affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lou E. Smith et al., of which decision you were advised by mail on the 21st day of October, 1902.

Respectfully,

(SIGNED)

Chairman.

W.O.B.

COMMISSIONERS
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5002

WM. O. BEALL,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 20, 1904.

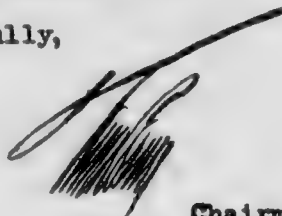
Lou E. Smith,

Ardmore, Indian Territory,

Dear M adam:

You are hereby notified that the Secretary of the Interior, on May 24, 1904, affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lou E. Smith et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,



Chairman.

Copy, M.C.R. 8002

Muskogee, Indian Territory, June 20, 1904.

J. P. Mullen,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior, on May 24, 1904, affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lou E. Smith et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

Chairman.

COPY. M.C.R. 5008

Muskogee, Indian Territory, June 20, 1904.

Chester Howe,
623 F Street, N. W.,
Washington, D.C.,

Dear Sir:

You are hereby notified that the Secretary of the Interior, on May 24, 1904, affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lou E. Smith et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

Chas. M.

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Land,
40608-1904.

WASHINGTON August 5, 1904.

(copy)

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report from the Commission to the Five Civilized Tribes, dated June 17, 1904, returning the record in the consolidated case of Lou E. Smith, et al., applicants for identification as Mississippi Choctaws, which was returned to the Commission by Departmental letter of May 24th, 1904, (I.T.D. 4054-1903) approving the decision of the Commission insofar as it refuses the applications of the applicants therein for identification as Mississippi Choctaws, but returning the record with instructions for the Commission to "reconsider the applications of Maggie L. Ashby and Cora J. Whitney for citizenship in the Choctaw Nation by blood and to render a decision therein after the Citizenship Court of said nation shall have rendered its final decree in the case of James H. Whitney."

It appears from the record in said case that James H. Whitney, the father of said children was on December 7, 1896 admitted to citizenship in the Choctaw Nation by the Commis-

sion, which decision was on August 25, 1897 affirmed by the United States Court for the Central District of the Indian Territory.

April 14, 1904, the Commission forwarded to the Department a certified copy of the decree of the Choctaw and Chickasaw Citizenship Court sitting at South McAlester, in the case of Emily J. Zumwalt, et al., No. 106, wherein the rights of James H. Whitney as a citizen by blood of the Choctaw Nation were adversely adjudicated. A certified copy of said decree is in the files of this office.

The original record of Lou E. Smith, et al. is enclosed herewith for final action of the Department with the recommendation that the decision of the Commission rendered October 21, 1902 refusing to identify the applicants as Mississippi Choctaws be approved.

Very Respectfully,

CTC:LM

E. C. Tonner,
Acting Commissioner.

MEH 5002

DEPARTMENT OF THE INTERIOR

J.V.H.

JHR

D.C. 12442-1905. WASHINGTON March 8, 1905.
I.T.D. 6294-1904.

IRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

June 17, 1904, you returned to the Department the record in the Choctaw enrollment case of Lou E. Smith (M.C.N. 55002), et al.

It appears that the applicants in this case claim to be entitled to identification as Mississippi Choctaws; certain of them also claim to be entitled to enrollment as Choctaws by blood.

On May 24, 1904, the record in the case was remanded to you, with directions to reconsider the applications of Maggie L. Ashby and Dora J. Whitney, for enrollment as citizens by blood of said nation, and to render a decision concerning the same after final action by the Choctaw-Chickasaw Citizenship Court in the case of their father, James H. Whitney, who was admitted in 1896, while they were minors, by the Commission, and in 1897 by the United States Court upon appeal, as a Choctaw by blood.

In your letter of June 17, 1904, mentioned above, you

referred the Department to your communication of April 14, 1904, transmitting a copy of the decree of the citizenship court, rendered March 21, 1904, in the case of Emily J. Zumwalt, et al., No. 106, wherein the rights of the said James H. Whitney as a citizen by blood of the Choctaw Nation were adversely adjudicated.

The Department considers that these applicants have failed to establish their right to be identified as Mississippi Choctaws; nor does it appear that any of them are entitled to enrollment as Choctaws by blood. This conclusion seems necessary in view of the action of the Citizenship Court relative to the case of James H. Whitney, particularly as it does not appear that any of the persons who were parties applicant to the case in which his rights were determined, have ever been duly enrolled or recognized as citizens by blood of the Choctaw Nation.

Reporting in the matter August 5, 1904, the Acting Commissioner of Indian Affairs recommended that your decision of October 21, 1902, refusing to identify the applicants as Mississippi Choctaws be approved. A copy of his letter is inclosed.

The Department concurs in the Acting Commissioner's recommendation. Your action adverse to these applicants is hereby affirmed.

Respectfully,

THOS RYAN,

Acting Secretary.

1 inclosure.

M C R 5002.

Muskogee, Indian Territory, January 13, 1905.

J. T. Cantwell,

Bradley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your postal card of the 6th instant, stating that about five or six years ago Lou Smith made application to this Commission for citizenship; that she has heard nothing from her application since that time; and that her looks prove she is an Indian beyond a doubt. You ask if the Commission can furnish you a "land map" of Indian Territory, and what will be the cost of same.

In reply you are informed that you do not state to which one of the Five Civilized Tribes of Indians in Indian Territory Lou Smith claims to belong. However, you are advised that the Secretary of the Interior, on May 24, 1904, approved the decision of the Commission of October 21, 1902, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Lou E. Smith, et al., of which departmental action the applicants were duly notified on June 20, 1904.

The letters from this office to Lou E. Smith, at Ardmore, Indian Territory, notifying her of the Commission's decision refusing her application, and of the approval of said decision by the Secretary of the Interior, were returned to this office marked

"unclaimed".

You are further advised that such rights as Lou E. Smith might have as a citizen by blood of the Choctaw Nation were passed upon in the Commission's decision of October 21, 1902, refusing her application for identification as a Mississippi Choctaw.

The map concerning which you inquire in your letter of the 6th instant has been made the subject of a separate communication.

Respectfully,

Chairman.

REFUSED

MEMORANDA.

Name Low E. Smith. (30) (Date) June 14, 1900.
Arduore, J. J.

Choctaw? Yes County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? Yes ($\frac{1}{8}$) Mother's citizenship Choc. ($\frac{1}{4}$)

Intermarried citizen? _____

Married under what law? (N.S.)

License filed this day, _____

(Husband) Henry Smith, (us)

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? _____

Married under what law? _____

License filed this day _____

Names of children:

10. <u>Charley J.</u>	County _____	Year _____	Page _____	No. _____
7. <u>Dora F.</u>	County _____	Year _____	Page _____	No. _____
5. <u>Georgia E.</u>	County _____	Year _____	Page _____	No. _____
3. <u>William</u>	County _____	Year _____	Page _____	No. _____
<u>(us) Lillie E.</u>	County _____	Year _____	Page _____	No. _____
	County _____	Year _____	Page _____	No. _____
	County _____	Year _____	Page _____	No. _____
	County _____	Year _____	Page _____	No. _____

Frank Jewett (father) ✓
Amanda Jewett, (mother) ✓

REFER TO M. C. R.

Low Church & Co

Consolidated Co

Wade Whitney
wife

Eusam Whitney
Choctaw

William Whitney
married

Polly Ann Allen

Doc 5175

James H. Whitney
admitted by U.S. Court
Citizenship Case 233
Doc 394

Doc 5175

Amanda Whitney
wife
Emily J. Whitney admitted by U.S. Court
Citizenship Case 233 Doc 394
Nathan B. Jamwalt

Amanda Ann Whitney
married
B. F. Jamwalt

Doc 5002
Lou E. Jamwalt 30/8
married
Henry Smith

Doc 5005
Lucy Ellen Jamwalt 30/8
married
Bud Worr

Doc 5003
Addie Hadrick 28/8
married
Lee Hadrick

Doc 31
Charley Jamwalt 20/8

x Doc 5202
Amanda A. Jamwalt 13
admitted by U.S. Court
Citizenship Case 233
Doc 394

Doc 5175
Maggie J. Whitney 20/8
married
Silas Ashby

Doc 5175
Hora J. Whitney 17/8

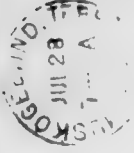
Doc 5002
Charlie J. Smith 10
" Apra J. Smith 7
" Georgia E. Smith 5
" William H. Smith 3
" Jennie Ethel Smith 7m

Doc 5005
Granville Otto Worr 10

Doc 5003
Frankie Hadrick 8
Jr. Brown Hadrick 6
Radford Hadrick 1

Doc 5175
Nannie Mashby 1

x Admitted by Commission appeared by Choctaw nation
Decision of Commission affirmed Citizenship Doc 394



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 28 1904

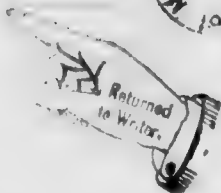
CHAIRMAN

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

McR
5002

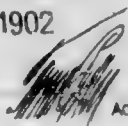


Lou E. Smith,

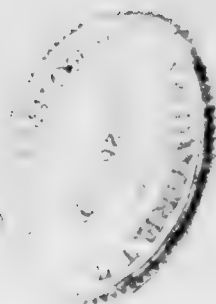
~~Adams, Indian Territory.~~

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

NOV 20 1902



ACTING CHAIRMAN



~~745~~
~~717~~



Department of the Interior.

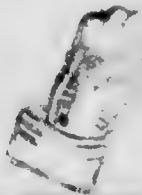
Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Loe E. Smith



~~_____~~
~~_____~~

June, 14th, 1900

Received from Deane
Commission, petition and
affidavits in case

Lois E. Smith et al,
vs.

Choctaw Nation
No. R. 430.

J. O. Pool

No. 5002

For Identification as a Mississippi Choctaw.

Date June 14 1900

Name Lea E Smith

Age 30 Blood 1/8

Post Office Admore 27

Father: Frank Farnwalt ✓
Agundy

Mother: ~~Agundy~~ Ann Farnwalt was
in Whitney

Claims through mother

Husband Henry Smith ✓
no claim for husband

Children:

Charlie J. Smith 10

Rosa J. " 7

Georgia E " 5

William H " 3

Linnie Ethel " 7 m

Claim for self & children

Demographer W. E. Green

Choctaw MCR 5003

Addie Hedrick

See MCR 5002

MCR 5003

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of Addie Hedrick for enrollment as a
Choctaw; being sworn and examined by Com'r McKennon she states:

Q What is your name? A Addie Hedrick.

Q How old are you? A Twenty-six.

Q Have ever you been on the Choctaw rolls? A No sir.

Q Have your father and mother ever been on the Choctaw rolls?

A No sir.

Q Are you from Texas too? A Yes sir.

Q When did you come here? A Last February.

Com'r McKennon: Enrollment is refused.

Department of the Interior

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
Steno-grapher to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

MCR 5003

R 429

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 13, 1900.

In the matter of the application of Addie Hedrick for enrollment as a Choctaw by blood; being sworn and examined by Acting Chairman Bixby she testifies as follows:

Q What is your name? A Addie Hedrick.
Q What is your age? A Twenty-eight.
Q What is your post-office address? A Ardmore, I. T.
Q How long have you lived at Ardmore? A Two years.
Q Where did you live before that? A I lived in Montague County Texas.
Q When did you first come to the Indian Territory? A Two years ago of late.
Q What month? A September, 1898.
Q Where did you come from? A Montague County.
Q How long had you lived there? A About sixteen years.
I say sixteen years, we lived over here a while and then moved back, over there. Papa had a place over there.
Q What were you doing over there? A Farming.
Q I thought you said your father was living in Texas? A Well he did, but we would come over here and then go back.
Q Who is "we"? A My husband.
Q Was your husband farming over here or working out? A He worked out here some and farmed some.
Q How long would your husband stay here? A From two to three years.
Q How long were you gone out of the Territory prior to September 1898? A Three years.
Q What is the name of your father? A Frank Zumwalt.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian? A No sir.
Q What is the name of your mother? A Whitney before she was married.
Q She living? A No sir.
Q What was her given name? A Mandy.
Q Was she a Choctaw Indian? A Yes sir.
Q What proportion of Choctaw blood did she claim to have?
A Quarter.
Q Was her name ever on the Choctaw Tribal rolls? A No sir.
Q Was she ever recognized by the Choctaw Tribal authorities as a Choctaw Indian? A No sir.
Q What proportion of Choctaw Indian blood do you claim to have?
A One-eighth.
Q Was your name ever been on the Choctaw Tribal rolls? A No sir.
Q Did you ever apply to the Choctaw Tribal authorities for enrollment as a Choctaw Indian? A No sir.
Q Did you apply to the Dawes Commission in 1896? A No sir.
Q Is this your first application? A No sir.
Q When did you apply before this? A Last August.
Q A year ago? A Yes sir.
Q Where? A At Atoka.
Q You were refused then were you? A Yes sir.
Q Are you married? A Yes sir.
Q Making any claim in behalf of your husband? A No sir.
Q Have you any children? A Yes sir.
Q Do you claim for them? A Yes sir.
Q What do you claim them to be? A One-sixteenth Choctaw Indians by blood.
Q What is the name of your husband? A Lee Hedrick.
Q Where did you marry him? A In Montague County, Texas.
Q When? A In 1897 I believe.
Q What are the names and ages of your children? A The oldest one is eight years old, Frankie Hedrick; Joe Brown, Hedrick, six years

old; Radford Lee Hedrick, one year old.

Q Is there any additional statement in regard to your case that you would like to make at this time? A No sir.

Q Did your children come to the Indian Territory with you?

A Yes sir.

Q Their residence has always been the same as yours? A Yes sir.

Q Have you any papers that you would like to file with the Commission? A No sir.

Q You sent some papers to some lawyer didn't you? A Mr. Pool is our lawyer.

Q You wish these papers to be considered in this case? A Yes Sir.

(Papers to be filed in this case.)

Q Who is Lou E. Smith? A My sister.

Q You have some papers filed with the Commission in the case of Lou E. Smith and I presume your name is in the same case isn't it? A Yes sir.

Q It will be necessary for you to prepare another set of these papers to be filed in your case if you desire to have them considered. A Yes sir.

You will be permitted to ~~file~~ ~~make~~ prepare such papers as you desire to, and offer them in evidence in this case later on.

It is testimony and all the papers that you may be pleased to leave with the commission will be transmitted to the honorable Secretary of the Interior for his examination and consideration when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

The enrollment of yourself and your children is refused, for the reason that your names do not appear upon the Tribal rolls of the Choctaw Nation now in the possession of this commission, and for the additional reasons that it does not appear from the testimony or from the records that you have ever been recognized by the properly constituted Tribal authorities of the Choctaw Nation as Choctaw Indians by blood, or that you or your children were admitted by the commission to the Five Civilized Tribes acting under the law of June 10th, 1896, to citizenship in the Choctaw Nation, or that you were admitted by a judgment of the United States court in the Indian Territory. And the enrollment of yourself and your children is refused for the additional reason that it appears from the testimony in this case that neither you or your children removed to and in good faith established your residence in the Nation in which you claim citizenship within the time required by law..

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case, and that the foregoing is a full, true and complete transcript of his stenographic notes taken in said case

M.D.Green

Subscribed and sworn to before me this 18 day of June 1900.

[Signature]
Acting Chairman.

Miss. Chestaw 5003

Muskogee, Indian Territory, April 2, 1902.

Addie Hedrick,

Ardmore, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the twenty ninth of March, inclosing affidavits of Addie Hedrick, James H. Whitney and Amanda Whitney relative to your claim for identification as a Mississippi Chestaw, and the same have been filed with and made a part of the record in your case.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 5003

Muskogee, Indian Territory, October 21, 1902

Addie Hedrick,

Ardmore, Indian Territory.

Dear Madam:

You are hereby advised that on the 21st day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lou E. Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Lou E. Smith, et al.,	M.C.R. 5002
Charlie Zumwalt,	M.C.R. 37
Addie Hedrick, et al.,	M.C.R. 5003
Lucy Ellen Weaver, et al.,	M.C.R. 5008
Maggie L. Ashby, et al.,	M.C.R. 5938
Dora J. Whitney,	M.C.R. 5939

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

H 2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lou E. Smith, Charlie T. Smith, Dora F. Smith, Georgia E. Smith, William H. Smith, Linnie Ethel Smith, Charlie Zumwalt, Addie Hedrick, Mary Francis Hedrick, Joe Brown Hedrick, Radford Lee Hedrick, Lucy Ellen Weaver, Cranfill Otto Weaver, Maggie L. Ashby, Nannie M. Ashby and Dora J. Whitney as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Fame Diney.

Acting Chairman.

Registered.

COPY.

M.C.R. 8003

Muskogee, Indian Territory, June 20, 1904.

Addie Hedrick,

Ardmore, Indian Territory,

Dear Madam:

You are hereby notified that the Secretary of the Interior, on May 24, 1904, affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lou E. Smith et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

James R. Dinkley

Chairman.

MEMORANDA.

Name Addie Hedrick (Date) June 13, 1900.
(28) Admission, I, 7.

Choctaw? Yes. County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? Yes. (1/8) Mother's citizenship Choc. (1/4)

Intermarried citizen? _____

Married under what law? _____

License filed this day, _____

(Husband) Lee Hedrick, (no)

Choctaw? _____ County _____ Year _____ No. _____

Chickasaw? _____ County _____ Year _____ Page _____

Citizen by blood? _____ Mother's citizenship _____

Intermarried citizen? _____

Married under what law? _____

License filed this day _____

Names of children:

	County	Year	Page	No.
8. <u>Frankie.</u>	County	Year	Page	No.
3. <u>Joe B.</u>	County	Year	Page	No.
1. <u>Radford Lee</u>	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

Frank Zumwalt (father)
Amanda Zumwalt (mother)

For Identification as a Mississippi Choctaw.

Date June 13 1900

Name Adde H. Hedrick

Age 28 Blood 1/8

Post Office, Chadmoor, Ind.

Father: Frank Zumwalt ✓

Mother: Mandy Zumwalt nee Whitney

Claims through Mother
Husband Lee Hedrick
no claim for husband

Children:

Frankie Hedrick	8
Joe Brown Hedrick	6
Rosford Lee Hedrick	1

Claims for self & 3 children

Stenographer

M. O. Gruen

Choctaw MCR 5004

Seal Frazier

MCR 5004

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Seal Frazier, et al.,
for identification as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application of
Seal Frazier, et al., for identification as Mississippi
Choctaws, M.C.R. 5004.

-oOo-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-cOo-

In the matter of the application of Seal Frazier, et al.,
for identification as Mississippi Choctaws, M.C.R. 5004.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Coffadelliah, Mississippi, March 17th, 1902.

In the matter of the application of Seal Frazier for the identification of himself, his wife Eliza and four minor children, Nellie, John L., ----- and Ellis Frazier, as Mississippi Choctaws.

Said Seal Frazier, being first duly sworn, testified as follows:-
(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Seal Frazier.
Q How old are you? A About thirty-three.
Q What's your postoffice address? A Coffadelliah.
Q In what County do you live? A Kemper.
Q How long have you lived in Kemper County? A I have lived in Winston, Kemper and Neshoba Counties all my life.
Q Are you a full blood Choctaw Indian? A Cherokee Indian.
Q How much Cherokee blood have you? A My grandpa's daddy was a Cherokee.
Q Full blood Cherokee? A Yes sir.
Q Your grandfather on which side-your father's or your mother's side? A On my father's side.
Q Is your father living? A No sir.
Q What was his name? A Farbus.
Q Did he have a Choctaw name? A No, just Farbus.
Q How long has he been dead? A About eight years I reckon.
Q About how old was he when he died? A About fifty five.
Q Did he always live in the State of Mississippi? A Yes.
Q Is your mother living? A Yes.
Q What's her name? A Mary.
Q Mary what? A Mary Joe.
Q Where does she live? A She lives in Alex Henson's place.
Q Is she a full blood Choctaw Indian? A Yes sir.
Q About how old is she? A About fifty-five.
Q Has she lived in this State all her life? A Yes sir.
Q With whom does she live? A She lives with my sister who's the wife of Jim Marris.
Q Is your father's father living? A No sir.
Q What was his name? A I don't know what it was.
Q Is your father's mother living? A I don't know.
Q Do you know her name? A No.
Q Your father's father's father, you claim, was a Cherokee Indian? A Yes sir.
Q Full blood Cherokee? A Yes sir.
Q What was his name? A I don't know what his name.
Q Where did he live? A I don't know.
Q How did you get the idea that he was a Cherokee? A I know by my Pa's telling me that.
Q You never saw him, yourself, did you? A No sir.
Q Is your mother's father living? A No sir.
Q Do you know what his name was? A Joe.
Q Was he a full blood Choctaw? A Yes.
Q How long has he been dead? A I didn't know him--I don't know.

Seal Frazier et al--2

- Q Did he die before your birth? A yes.
- Q Did he live here in this State all his life? A yes.
- Q Did he have a Choctaw name? A No sir.
- Q Is your mother's mother living? A No sir.
- Q Do you know what her name was? A No sir.
- Q Was she a full blood Choctaw? A yes.
- Q Did she live here in Mississippi all her life? A yes sir.
- Q So far as you know, have all of your ancestors always lived in the State of Mississippi? A Yes.
- Q Are you married? A yes.
- Q Is your wife living? A yes.
- Q Are you living with her at this time? A yes.
- Q Were you married to her under a license or according to Choctaw custom? A Choctaw custom.
- Q How long have you lived with her? A Fourteen years.
- Q Were you ever married before you married her? A No sir.
- Q Was she ever married before she married you? A No.
- Q Have you any children living? A yes.
- Q How many? A Four.
- Q What's your wife's name? A I wont tell it.
- Q Why don't you want to tell it? A Cause I don't want to tell it- she would hear about it.
- Q What are the names of your children, Seal? A I don't want to tell my children's names.
- Q Why don't you want to give in their names? A My wife objects to giving in her name and the names of the children.
- Q Was any application of any description ever been made before today for you or your wife or any of your four children for the purpose of establishing your rights as Choctaw Indians? A No.
- Q Did you ever live in Indian Territory? A No sir.
- Q Or your wife? A No sir.
- Q Did any of your people, your old folks or her old folks? A No sir.
- Q Have they always lived here in Mississippi? A yes sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes.
- Q Do you understand that 14th article? A No.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article

provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi might receive land here in Mississippi from the Government. That 14th article is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or receive any benefits thereunder? A I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A My father's mother, I think her folks had improvement over here somewhere at that time.

Q Do you know the names of any of them? A No sir.

Q Where did they have an improvement, do you think? A I don't know myself.

Q Did you hear about it? A Yes, I heard but I don't know where it was.

Q Did you hear whether any of them ever got land here in this country from the Government about that time? A No sir, never heard about that.

Q Did any of them live in here in 1830, 71 years ago? A I don't know.

Q You don't know what kind of an improvement these people had here 71 years ago? A No.

Q Did any of your people ever get any land from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of them ever get any money from the Government? A No.

Q How did you hear about some of your people owning an improvement here 71 years ago, when this treaty was made? A My mother told me.

Q She didn't tell you where it was? A No sir.

Q How old do you think your mother is now? A About fifty five.

Q Has she been before the Commission? A No.

Seal Frazier et al--4

Q Do you think you could get her to come before the Commission and tell what she known about your case? A No sir.

Q Why not? A I don't think I can-she don't want to come before the Commission.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of Such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Choctaws who did in fact let him know that they wanted to stay here and become citizens and take land and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President and they came down here and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the Treaty of Dancing Rabbit Creek? A I don't know.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A I don't know.

Q Do you know of anyone living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or

Seal Frazier et al--5

ever received any benefits thereunder? A No--I don't know.
Q Have you any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any of our appointments here in Mississippi this Spring, including the one at Meridian between the 14th and 30th of April next, or within a reasonable time at the general office of the Commission at Muskogee, Indian Territory, and their testimony will be taken.

Q Have you any written evidence of any kind to offer? A No.
Q What do you think about telling us what your wife's name is now?
A I don't want to tell it.

This applicant has the appearance of being a full blood Indian. He speaks and understands the Choctaw language and some English, the examination, however, has been conducted mainly through a sworn Choctaw Interpreter. It was only after the greatest difficulty that he could be induced to give in his testimony and he positively refused to give in the names of his wife and children on account of the fact that his wife is opposed to such application being made. This testimony is taken by the courtesy of John R. Marshall at his farm near Coffadelliah, Kemper County, Mississippi, the applicant being in the employ of Mr. Marshall.

George W. Marshall, being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A George W. Marshall.
Q How old are you? A Twenty-four.
Q What's your postoffice address? A Coffadelliah.
Q How long have you lived in Kemper County, Mississippi? A All my life--except fourteen months I stayed in Texas.
Q You have lived during that time on your father's place just over the edge of the Neshoba and Kemper County line, in Kemper County?
A Yes sir.
Q The testimony of this applicant, Seal Frazier, has been taken within your hearing? A Yes sir.
Q How long have you known this Indian? A I've known him ever since I've known anybody.
Q He's a full blood Choctaw, is he? A I guess so.
Q Does he live on your father's place at this time? A He lives on my Brother's place but he is farming for my father.
Q Is he married? A Yes sir.
Q Is his wife living? A Yes sir. 5

Seal Frazier et al-5

- Q Do you know her name? A Yes sir--her name is Eliza.
Q Is she a full blood Choctaw? A Yes sir, I guess she is.
Q About how old do you think she is? A About thirty-one years old.
Q Have they any children living? A Four.
Q Do you know their names? A I think the oldest one is named Nellie.
Q About how old is she? A About eleven years old I think.
Q What's the name of the next child? A John L., I think.
Q About how old is John L/? A About nine years old I reckon.
Q What's the name of the next one? A I don't believe I know her name--its a little girl.
Q How old? A About six or seven years old.
Q You don't remember her name? A No sir, I don't know her name.
Q What's the name of the next one? A Ellis.
Q About how old is he? A About four years old I reckon.
Q These children are all living at this time? A Yes sir.
Q Living with their parents? A yes sir.
Q You, of course, don't know whether any of the ancestors of either of these Indians ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek?
A No sir, I don't.
Q You are confident, however, that they are full blood Indians?
A Yes sir.

This witness is a white man of average intelligence.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Coffadelliah, Mississippi, March 17th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 29th day of March, 1902, at Seale, Mississippi.

L. B. Moseley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

5710

Department of the Interior,
Commission to the Five Civilized Tribes,
Seale, Mississippi, March 31, 1902.

In the matter of the application of Mary Frazier for
identification as a Mississippi Choctaw.

Mary Frazier, having been first duly sworn, upon her oath
testified as follows: (Oscar Billey, Official Interpreter.)

Examination by the Commission.

Q What is your name? A Mary Frazier.
Q How old are you? A I don't know how old I am; I never did know
my age and nobody ever did tell me.
Q Can you give us an idea how old you are? A White people told me
I was seventy years old.
Q How much Choctaw blood have you? A Full blood.
Q Have you a choctaw name? A Yes.
Q What is it? A Mah-hin-to-nah.
Q What's your post office address? A North Bend, Mississippi.
Q Do you live in Neshoba County? A Yes.
Q How long have you lived in Neshoba County? A All my life.
Q Is your father living? A Dead.
Q What was his name? A No.
Q Did he have any other name? A Choctaw name, Ah-took-a-lah.
Q Was he a full blood Choctaw? A Yes.
Q Live here in Mississippi all his life? A Yes.
Q Do you know the name of his father, or his mother? A I don't
know.
Q Is your mother living? A Dead.
Q What was her name? A Susan.
Q Did she have a Choctaw name? A Hi-ne-ah.
Q Did she live here in Mississippi all her life? A Yes.
Q Was she a full blood Choctaw? A Yes.
Q How old would your father and mother be if they were living now?
A He was a tolerable old man when the civil war was going on, and
he died since that time.
Q Did your mother die before or after that? A Mother died before
that.
Q How long before that? A About two years.
Q Do you know the name of your mother's father, or her mother?
A I don't know.
Q Are you married? A Yes.
Q Is your husband living? A No.
Q Were you ever married more than once? A Just once.
Q What was your husband's name? A Farbus Frazier.
Q Was he a full blood Choctaw? A Yes.
Q Live here in Mississippi all his life? A Yes.
Q Was he older or younger than you? A Little younger than me.
Q Did he have a Choctaw name? A No.
Q Do you know the name of his father, or his mother? A I don't know
his mother, but I know his father was George Frazier.

Mary Frasier, 2.

Q Was he a full blood? A Yes.

Q Did he live here in Mississippi all his life? A Yes.

Q Did he have a Choctaw name? A Neek-a-na-tubbee.

Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No.

Q Has any application of any description ever been made for you before today for the purpose of establishing your rights as a Choctaw Indian? A No.

Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A Yes.

Q Did any of your ancestors, or any of your ~~ance~~ husband's ancestors ever do as that 14th article required a Choctaw today in case he desired to stay here in Mississippi and take land and become citizens of the States? A I don't know.

Q Did any of them ownan improvement here in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A I don't know.

Q Did any of them, in fact, live here at that time? A I don't know.

Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay here in Mississippi and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A I heard that some of my husband's ancestors got land here in Mississippi from the Government.

Q What one of your husband's ancestors ever got land here in Mississippi from the Government? A I heard that my husband's grand pa got land here.

Q Husband's father's father? A Yes.

Q Do you know what his name was? A I don't know.

Q Do you know how much land he got? A I don't know how many acres it was.

Q Where is the land now? A Out here at Sunstown, in this County.

Q Who owns it now? A I think there was white people living on it a while, but I think colored people live on it now.

Q You think that this piece of land was gotten by your husband's father's father? That would be Neek-a-na-tubbee? A Husband's mother's father.

Q You can't think of your husband's mother's name? A No.

Q And you can't think of her father's name, the man that got this land? A No. - O-nah-ki.

Q Do you know when he got this land from the Government? A No, I don't know.

Q How long did it stay in his family? A I don't know how long.

Q Did you ever hear of any other of your husband's ancestors ever having gotten any land from the Government? A No.

Q Did you ever hear of any of your ancestors ever having gotten any land from the Government? A No, if they did, I never heard of it.

Mary Frazier, 3.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the name of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay here and become citizens of the States and take land, and on this account, the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain Acts between the years 1837 and 1842, providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845, and heard a great many of these Choctaw cases. Did

Q Did any of your ancestors, or any of your husband's ancestors, appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I heard that my ancestors and my husband's ancestors died, and I never did hear of any of them before these commissioners.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors, or any of your husband's ancestors, ever get any scrip from the Government of the United States under this Act of Congress, or did you or your husband ever get any? A If they did, I never heard of it.

Q Neither you nor your husband got any? A No.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors, or any of your husband's ancestors, covering land here in Mississippi received from the Government? A Yes, I have

Mary Frazier, 4.

seen what I reckon was a deed land papers about this land I was telling you about a while ago.

Q Where is that deed now? A A white man by the name of Parson Seale; this land was sold for taxes, and he got the deed to it.

Q You think you could get that deed now? A I don't know.

It might be very important in the cases of all of your descendants to have this deed submitted to the Commission in connection with your application, and it is suggested, if possible, you find this deed and bring it to the Commission and let us look over it.

Q Have you any written evidence to offer at this time? A No.

Q Do you know of any real old person who would likely know whether any of your ancestors, or any of your husband's ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I don't know of any one who would know about this, because there is no old people around here much.

Q Any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us at any one of our pointments here in Mississippi, this spring, or within a reasonable time at the general office of the Commission, in Muskogee, Indian Territory and their testimony will be taken.

Q Are there any further statements you want to make at this time? A No.

Q Did you ever have any brothers? A All dead but one.

Q What's the name of the one that's living? A Langley Joe.

Q Has he a Choctaw name? A No, that's all.

Q Is he older or younger than you? A Younger.

Q How many brothers have you dead? A Three.

Q What were their names? A William.

Q Did he have a Choctaw name? A Sah-ah-lubbee.

Q What's the name of another one? A Cornelius.

Q Were these brothers older or younger than you? A The one they called William is older than me, and the other two are younger than I am.

Q What was Cornelius' Choctaw name? A Just one name.

Q What's the name of the next one? A Josen, the Choctaw name, and the English name Joe.

Q Did any of these three brothers leave children? A Yes, my oldest brother left some children.

Q How many? A Two.

Q Are they living now? A Yes.

Q What are their names? A Lah-ti-mah.

Q Is she married? A Yes.

Q What's her husband's name? A Tom Kate.

Q Is her English name Lucy? A Yes.

Q What's the name of the other one of your brother's children?

Mary Frazier, 5.

A Wilmond.

Q Wilmond what? A Just one name.

Q Where does he live? A Kemper County.

Q Is he married? A Yes.

Q What's his wife's name? A Il-lah-ho-nah.

Q Has he any children living under age? A Yes.

Q How many? A Five.

Q What are their names? A Jasper.

Q Is Jasper the oldest one? A Yes.

Q Next one? A Nicholas.

Q Next one? A I don't know the balance.

Q Any one here who knows them? A No.

Q About how old is Wilmond? A I don't know; aint none of the Chetaws who know our ages.

Q Give us an idea? A About forty five.

Q How old is his wife? A About forty.

Q Are they both full blood Chetaws? A Yes.

Q What was Wilmond's mother's name? A Hi-yi.

Q She was a full blood was she? A Yes.

Q And lived here in Mississippi all her life? A Yes.

Q What is Il-lah-ho-nah's father's name? A Willis.

Q Was he a full blood Chetaw? A Yes.

Q Lived here in Mississippi all his life? A Yes.

Q How long has he been dead? A (No answer.)

Q Have any other name besides Willis? A That's all.

Q What was Il-lah-ho-nah's mother's name? A I don't know.

Q About how old is Jasper? A Ten or twelve years old.

Q About how old is Nicholas? A About eight.

Q Is the next one of their children a boy or girl? A Girl.

Q You can't think of her name? A No.

Q About how old is she? A Six.

Q And the next one a boy or girl? A Girl.

Q About how old? A About five, and the other one is a baby.

Q How old? A About three months old.

Q Girl or boy? A Girl.

Q You don't know the name of any one of these three girls? A No.

Q Have you any sisters living? A No, all dead.

Q Did any of them leave children? A Yes, one did.

Q What's the name of the one who left children? A Louisa.

Q How many of her children are living? A One.

Q What's that child's name? A Bogle Willis.

Q Is Bogle married? A Yes.

Q What's his wife's name? A Nancy.

Q Is Bogle a full blood Chetaw? A Yes.

Q About how old? A About twenty.

Q Where does he live? A Lives on Will Marshall's place.

Q In Kemper County? A Yes.

Q What would be his post office address? A Coffadellah.

Q How old is his wife, Nancy? A About fourteen.

Q Are they living together now? A Yes.

Q Have they any children? A No.

Q What was Bogle's father's name? A Yamba Willis.

Q Full blood Chetaw? A Yes.

Q Is Nancy's father living? A No, nobody ever knewed her daddy.

Q Was he a full blood Chetaw? A Yes.

Q Is Nancy's mother living? A Yes.

Q What's her name? A Ti-mah-ki.

Q Has she an English name? A Elizabeth Labin.

Mary Frazier, G.

- Q Is she married? A No. Her husband died long time ago.
Q Is Elizabeth a full blood? A Yes.
Q She lived here in Mississippi all her life? A Yes.
Q About how old a woman is she? A About sixty.
Q What's her post office address? A North Bend, Mississippi.
Q Is her father living? A No.
Q What was his name? A I don't know.
Q Is her mother living? A No, been dead long time.
Q Has Elizabeth any other children living besides Nancy? A Yes, one.
Q What's his name? A Ben Lahbin.
Q About how old is Ben? A About twenty.
Q Is he married? A No.
Q Live with his mother? A Yes.
Q Is his father living? A No, dead.
Q What was his name? A Lahbin.
Q Is that all the name he had? A Yes.
Q Was he a full blood Choctaw? A Yes.
Q Lived here in Mississippi all his life? A Yes.
Q Do you know the name of his parents? A No.
Q Do you know whether any of the ancestors of Elizabeth, or of Bogle Willis, or of this man, Wilmond, or his wife, ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A Elizabeth and Yamba I don't know anything about, if they did, but Wilmond's grand father, I heard got some land.
Q What was his name? A No-wah.
Q Was that his father's father, or his mother's father? A Mother's father.
Q Do you know the names of any of No-wah's children? A Now Wilmond's mother.
Q What was her name? A Hi-yi.
Q Do you know the name of any other one of No-wah's children? A Ma-ti-he-mah; that was her sister.
Q Do you know the name of any other one of No-wah's children? A Pis-a-homby.
Q Do you know any other? A No.
Q Do you know how much land No-wah got from the Government? A I just heard that he got some land, but I never did learn how much he got.
Q Do you know where that land is? A I don't know, where it is.
Q Do you know when he got it? A No.
Q Do you know whether he got it under the treaty of Dancing Rabbit Creek, or not? A I don't know.
Q Do you know whether any of the ancestors of Bogle Willis ever got any land under the treaty of Dancing Rabbit Creek, from the Government? A No, I don't know.
Q Are any of your husband's brothers or sisters living? A No.
Q Did any of them leave children? A Yes, two left children.
Q What's the name of the oldest one who left children? A Tom.
Q Tom what? A They were half brothers, had same father and different mothers.
Q How many of his children are living now? A One.
Q What's that child's name? A B-li-i-shubbee.
Q Was that an English name? A Archie.

Mary Frazier, 7.

- Q What's the name of another one of your husband's brothers who left children? A My husband's brother is living himself.
- Q What's his name? A John.
- Q What? A Frazier.
- Q Did your husband ever have any sisters? A No.
- Q Have you any children living? A Yes.
- Q How many? A Four boys and three girls living.
- Q The boys are, Wesley, Seale, Nehol and Henson Frazier,? Yes.
- Q And the girls are what? A Susanna, the wife of Johnson Bell.
- Q Next one? A Annie, the wife of Lampkin Amos.
- Q Next one? A Minerva, the wife of Jim Harris.
- Q Have you any children dead who left children? A One left children.
- Q What's the name of your child who died and left a child? A Margaret.
- Q Is that child living now? A Yes.
- Q With whom does it live? A With its father.
- Q What's its father's name? A Bobo Harris.
- Q Would Coffadelliah be the post office of Wilmond Joe? A Yes.
- Q Is your brother, Langley Joe, married? A Yes.
- Q Is his wife living? A Yes.
- Q What's her name? A Emily.
- Q Is she a full blood Choctaw? A Yes.
- Q About how old is she? A Forty five.
- Q Has she lived here in Mississippi all her life? A Yes.
- Q Is her father living? A Dead.
- Q What was his name? A Tah-nah-pah-yah.
- Q Did he have an English name? A Willis.
- Q Is her mother living? A Dead long time. I don't know it's name.
- Q Do you know the name of any other of Emily's ancestors? A I don't know.
- Q Have they always lived in Mississippi so far as you know? A Yes.
- Q All been full blood Choctaws, too, have they? A Yes.
- Q About how old is Langley? A About fifty.
- Q Is he your full brother? A Yes.
- Q What's his post office address? A Near Philadelphia.
- Q Has he lived here in Mississippi all his life? A Yes.
- Q How many minor children have they living - Joe and Emily?
- A Two.
- Q What are their names? A Johnnie and Edna.
- Q About how old is Johnnie? A About fifteen.
- Q How old is Edna? A About sixteen.
- Q They are both the children of Langley and Edna? A Yes.
- Q Have they any other children living with them besides these two?
- A No.
- Q Any old folks living with them? A No.
- Q Has any application of any description ever been made for these people to your knowledge to the Commission? A No.
- Q Lampkin Amos is your son-in-law, is he? A Yes.
- Q About how old a man is Lampkin? A Twenty five.
- Q Has he lived in Mississippi all his life? A Yes.
- Q What would be his post office address? A Coffadelliah.
- Q Does he live in Neshoba County? A Kemper.
- Q Is he a full blood Choctaw? A Yes.
- Q Is his father living? A Dead.
- Q What was his name? A Amos.
- Q Have any other name? A Choctaw call him Amen.
- Q Have any Choctaw name besides Amen? A No.
- Q Is he a full blood Choctaw? A Yes. 13

Mary Frazier, 8.

- Q Is Lampkin's mother living? A No.
Q What was her name? A Winnie.
Q Full blood Choctaw? A Yes.
Q Live here in Mississippi all her life? A Yes.
Q Do you know the name of her father or her mother? A Sallie.
Q Have any other name? A I reckon that was her husband; she was named by that - Homby.
Q How long has she been dead? A I don't know, how long.
Q Live here in Mississippi all her life? A Yes.
Q Did she have a Choctaw name? A Not that I know of.
Q Do you know the name of either one of Amos' parents? A No, don't know. He about five or six when I knew him, and his mother put off and died before then.
Q Do you know whether any of the ancestors of Lampkin Amos ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I don't know.
Q Did you ever hear of any of them ever having gotten any land from the Government? A No.
Q Did you ever hear of any of them ever getting any money from the Government? A No, never heard of that, but I don't know about his ancestors.
Q Did you ever hear of any of them getting any scrip from the Government? A No, never heard.
Q I believe you stated that Lampkin's wife is named Annie, and she is your daughter? About how old is she? A About twenty.
Q She has always lived here in Mississippi, has she? A Yes.
Q Full blood Choctaw? A Yes.
Q What is her father's name? A Farbus Frazier.
Q Have they any children living? A Yes, one.
Q Julius? A Yes.
Q How old is he? A Born in July last year; you don't know just when.
Q Is he the child of Lampkin and Annie? A Yes.
Q Now, was Annie married before she married Amos? A Yes.
Q What was her husband's name? A Sanderson Marria.
Q Do you know whether any application of any kind was ever made to the Commission for Lampkin or his wife? A I think three years ago at Philadelphia, before they were married.

The records of the Commission show that on the 31st day of January, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of Lampkin Amos for identification as a Mississippi Choctaw Card, Field Number 223; also, upon page 64 of the Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of Dancing Rabbit Creek, being Number 773 thereon.

The records of the Commission further show that on the 31st day of January, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identifica-

Mary Frazier, 9.

tion of Sanderson Harris, his wife, Annie, and minor children, Nioy and Lula, as Mississippi Choctaw, their names appearing upon Mississippi Choctaw Card, Field number 217; also, on page 63 of the St. Schedule which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands in Indian Territory, under the provisions of the 14th article of the treaty of Dancing Rabbit Creek, being Numbers 759, 760, 761, and 762, respectively, thereon.

Q Did you ever hear of any other application having been made for Lampkin or his wife, Annie, than this one three years ago at Philadelphia, Mississippi? A No.

Q They are living together now, are they? A Yes.

Q This young child is living with them? A Yes.

(This applicant has the appearance of being a full blood Indian; speaks and understands the Choctaw language and very little English, the examination having been conducted entirely through a sworn Choctaw interpreter. In her examination she has been examined as to the rights of Elizabeth Labin, Bogle Willis, Wilmond Joe. These Indians all live within three or four miles of the camp of the Commission, and have known for at least two weeks of the presence of the Commission at this place. They have never made any application of any description to the Commission, and have refused to appear before us. It is, therefore, deemed proper to consider the testimony of Mary Frazier as an application in their behalf, as it, at least, sets forth the names of the different members of these families.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 31st day of March, 1902, at Seale, Mississippi, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Toles, Mississippi, this 9th day of April, 1902.

W. H. H. H.
Clark U. S. Circuit Court,
Southern District of Mississippi,

By *W. H. H. H.*

Deputy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Seal Frazier, et al.,
for identification as Mississippi Choctaws, M.C.R. 5004.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on March 17, 1902, by Seal Frazier for himself, his wife, Eliza Frazier, and his three minor children, Nellie, John L. and Ellis Frazier, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It appears from the record herein that at the time application was made for the identification of the above named applicants, application was also made for another minor child but the principal applicant herein refused to give its name. Although he has been repeatedly requested to furnish the name of said child, he has failed to do so.

From a preponderance of the evidence submitted in support

of said application it appears that Seal Frazier, Eliza Frazier, Nellie Frazier, John L. Frazier and Ellis Frazier are full-blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians, whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Seal Frazier, Eliza Frazier, Nellie Frazier, John L. Frazier and Ellis Frazier should be identified as Mississippi Choctaws, and it is so ordered.

It is the further opinion of this Commission that the application made for the identification as a Mississippi Choctaw of the minor child, whose name is not disclosed, should be dismissed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

Chairman.

Commissioner.

Commissioner.

M C R 5004

Muskogee, Indian Territory, March 23, 1904.

Seal Frazier,

Coffadelliah, Mississippi.

Dear Sir:

It appears from the records of the Commission that on March 17, 1902, you appeared before this Commission at Coffadelliah, Mississippi, and made application for the identification of yourself, your wife and minor children as Mississippi Choctaws.

At that time you failed to give the names of all of your children, and in order to secure this information in proper form, there is enclosed you herewith an affidavit in interrogatory form which you are directed to take before some Notary Public and answer under oath the questions therein propounded, returning the same to this Commission in the enclosed envelope which requires no postage.

This matter should receive your prompt attention for until this information is received no further action can be taken in your case.

Respectfully,

Enc. JD 5-23
& Env.

Commissioner in Charge.

.7

COPY: M.C.R. 5004

Muskogee, Indian Territory, July 7, 1904.

Seal Frazier,

Coffadelliah, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of this Commission, rendered July 7, 1904, identifying you, your wife Eliza Frazier, and minor children Nellie Frazier, John L. Frazier and Ellis Frazier, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order for you to avail yourselves of the benefits of such identification, you must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before January 7th, 1905, and must make proof of such removal and settlement on or before July 7, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

T. B. Woodlee

Commissioner in Charge.

Registered.

Incl. MCR 5004.

M.C.R. 5004

COPY.

Muskogee, Indian Territory, July 7, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered July 7, 1904, identifying Seal Frazier, his wife Eliza Frazier, and minor children Nellie Frazier, John L. Frazier and Ellis Frazier, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said applicants as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If at the expiration of said time no protest has been filed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

T. B. Noddie.

Commissioner in Charge.

Registered.
Incl. M.C.R. 5004.

Mississippi Choctaws identified;

Copies of decisions mailed to Mansfield, McMurray & Cornish,
July 7, 1904:

-----oOo-----

MCR 5004, Seal Frazier et al.,

MCR 5205, Cooksey Vaughn et al.

-----oOo-----

Register to

Mansfield, McMurray & Cornish,

South McAlester, Indian Territory
(both in one pkg.),

And return to MCR 5004.

#1900

No. 5004

For Identification as a Mississippi Choctaw.

Offadeliah ^{Alcedo} Date 3/17/00

Name Earl Frazier

Age 33 Blood 7/8

Post Office, Offadeliah, Miss

Father: Farber. d

Mother: Mary Joe L

Claims through

w/ Eliza Frazier (sister) 31

Children:

Nellie Frazier F 11

John L. " M 9

" F 6

Ellis " 4

Stenographer

J. S. Miles

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

SEP 20 1904

A handwritten signature in dark ink, appearing to be "J. H. Smith", written over the date stamp.

CHAIRMAN

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCOE, IND. TER.



10053
1005-9

Letter sent to Mr. Frazier,

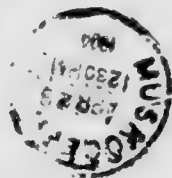
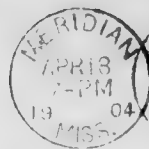
Mr. Frazier,

Coftadellah,

Mississippi.

REGISTERED

MUCH

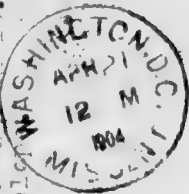


General Office

M. S. R.

5004

Advise that in no event it
will be necessary to bring the
names of all the children.
Blank address.
Envelope



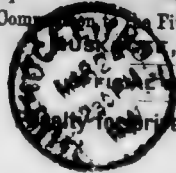
Re.

Deal transfer,

~~Padre, St. Louis, Missouri.~~

Department of the Interior.

Commissions for Five Years, \$100.00, IN ADVANCE.



OFFICIAL BUSINESS.

Penalty for private use, \$300.

Choctaw MCR 5005

Lucy Ellen Wever

See MCR 5002

MCR 5005

Department of the Interior,
Commission to the Five Civilized Tribes,
Selbert, I.T., June 13, 1900.

In the matter of the application of Lucy Ellen Wever for the enrollment of herself and child as Choctaws by blood; being sworn and examined by Acting Chairman Bixby, she testified as follows:

- Q - What is your name? A - Lucy Ellen Wever.
Q - What is your age? A - 30 years.
Q - What is your post office address? A - Alam, I.T.
Q - How long have you lived at Alam? A - 3 years.
Q - Where did you live before you went to Alam? A - Texas.
Q - How long had you lived in Texas? A - We lived in Texas about 10 years.
Q - Where had you lived before that? A - We lived in the Nation before that and went to Texas.
Q - Were you born in the Nation? A - No, sir, I was born in Texas.
Q - What is the name of your father? A - Frank Zumwalt.
Q - Is he living? A - Yes, sir.
Q - Is he a Choctaw Indian? A - No, sir.
Q - Is he a white man? A - Yes, sir.
Q - What is the name of your mother? A - Whitney before she married.
Q - What was her given name? A - Mandy Ann.
Q - Is she living? A - No, sir, she is dead.
Q - Was she a Choctaw Indian? A - Yes, sir.
Q - Was her name on the Choctaw rolls? A - I don't know, sir.
Q - Was she ever recognized by the Choctaw Tribal authorities as a Choctaw Indian? A - Not that I know of.
Q - What proportion of Choctaw Indian blood did she claim to have? A - 1/4.
Q - What proportion of Choctaw Indian blood do you claim to have? A - 1/8.
Q - Is your name on the Tribal rolls of the Choctaw Nation? A - No, sir.
Q - Have you ever been recognized by the Choctaw Tribal authorities as a Choctaw Indian by blood? A - No, sir.
Q - Did you ever apply to the Choctaw Tribal authorities for enrollment as a Choctaw Indian by blood? A - We applied there at Ardmore.
Q - To the Choctaw authorities or to the Dawes Commission? A - The Dawes Commission.
Q - Do you recollect of ever having applied to the Choctaw Tribal authorities for enrollment? A - No, sir.
Q - Did you apply to the Dawes Commission in 1896? A - I don't know whether it was in 1896 or not.
Q - How long have you been married? A - 3 years, going on 4.
Q - What was your name before you were married? A - Zumwalt.
Q - Did you or your father or your mother apply to the Dawes Commission in 1896? A - My mother didn't because she is dead, I don't know whether my father did.
Q - Did any of the members of your family apply to the Commission in 1896, any of your brothers or sisters? A - I have one sister, I don't know whether it was 1896 or not, that is on the roll, and one uncle and one aunt on the roll.
Q - Did the application of any of your relatives go to the United States Court in any way? A - No, sir, not that I know of.
(1896 Citizenship Docket C, page 394, Emily Jane Zumwalt et al. vs. Choctaw Nation. Application filed September 8, 1896. Answer of the Choctaw Nation filed, and the decision of the Commission on December 7, 1896. Admitted, Nathan B. Zumwalt as an intermarried citizen and Emily Jane Zumwalt, Amanda Zumwalt, and James H. Whitney, as citizens by blood. Appeal was taken to the United States Court and the judgment of the Commission was reversed as to Nathan B. Zumwalt and sustained as to the other applicants.)

Lucy Ellen Wever - 2.

Q - Any of these people relatives of yours? A - Yes, sir.
Q - Are you married? A - Yes, sir.
Q - Are you making any application in behalf of your husband?
A - No, sir.
Q - Have you any children? A - One child.
Q - Do you wish to make application for the child? A - Yes, sir.
Q - What is the name of your husband? A - Bud Wever.
Q - He is living? A - Yes, sir.
Q - Did you marry him under Choctaw law? A - No, sir.
Q - Where did you marry him? A - In Montag County, Tenn.
Q - When? A - About 3 years ago.
Q - Have you your marriage license and certificate? A - No, sir, I have never gotten it.
Q - What is the name of your child? A - Cranfill Otto Wever, he is 10 years old.
Q - Is there any statement in addition to the above you would like to make in regard to your case at this time? A - Yes, sir.
Q - Well, state what it is.
J. P. Mallen, attorney: State your relationship to these people that were on this roll there? A - Well, Jim Whitney and James Zumwalt, Jimmie Zumwalt and Annie Zumwalt.
Q - What relation are you to them? A - I am Jane Zumwalt's niece, and Annie Zumwalt is my sister.
Q - What relation was your mother and Jim Whitney and Jane Zumwalt? A - Sisters and brothers.
Commissioner Bixby: Have you any papers you would like to file with the Commission in regard to your case? A - No, sir, I haven't got any papers.
Q - You will be permitted to offer any additional evidence in the form of statements, affidavits or other proper papers if you desire to do so.

Your enrollment and the enrollment of your child is refused for the reason that your names do not appear upon the Tribal rolls of the Choctaw Nation now in the possession of this Commission, and for the additional reason that it appears from the testimony and from the records that you have never been recognized by the properly constituted authorities of the Choctaw Nation as citizens of the Choctaw Nation by blood, and you were not admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the law of June 10, 1896, or by the judgment of the United States Court in the Indian Territory.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Sworn to and subscribed before me this the 25 day of June, 1906.


Commissioner.

R. 579

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lucy Ellen Weaver for enrollment as citizens by blood of the Choctaw Nation, of herself and minor child.

The applicant, Lucy Ellen Weaver, appeared before the Commission at Colbert, Indian Territory, June 13th, 1900, and from her oral testimony given at that time on behalf of her claim for enrollment of herself and minor child, Cranfill Otto Weaver, as citizens by blood of the Choctaw Nation.

It appears from the evidence in this case that the applicants have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of this Commission.

The application for enrollment as citizens by blood of the Choctaw Nation of Lucy Ellen Weaver and her minor child, Cranfill Otto Weaver, is therefore hereby refused.

BY THE COMMISSION.


Acting Chairman.

Muskogee, Indian Territory, August 3 e, 1900.

W C R 5000

Mustang, Indian Territory, July 28, 1908.

Luzy Helen Weyer,

Gerniah, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the
21st instant, inclosing the affidavit of G. A. Brown which you
offer for filing in support of the application made by you for the
identification of yourself and your minor children as Mississippi
Choctaws. The same has been filed with the record in this case.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, October 21, 1902.

Lucy Ellen Weaver,

Alma, Indian Territory.

Dear Madam:

You are hereby advised that on the 21st day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lou E. Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Lou E. Smith, et al.,	H.C.R. 5002
Charlie Zumwalt,	H.C.R. 37
Addie Hedrick, et al.,	H.C.R. 5003
Lucy Ellen Weaver, et al.,	H.C.R. 5005
Maggie L. Ashby, et al.,	H.C.R. 5938
Dora J. Whitney,	H.C.R. 5939

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stat., 496) which is as follows:

" Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

L E W 2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lou E. Smith, Charlie T. Smith, Dora F. Smith, Georgia E. Smith, William H. Smith, Linnie Ethel Smith, Charlie Zusselt, Addie Hedrick, Mary Francis Hedrick, Joe Brown Hedrick, Radford Lee Hedrick, Lucy Ellen Wever, Granfill Otto Wever, Maggie L. Ashby, Hannie H. Ashby and Sara J. Whitney as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James H. Smith

Registered.

Acting Chairman.

COPY. M.C.R. 5005

Muskogee, Indian Territory, June 20, 1904.

Lucy Ellen Weaver,

Alma, Indian Territory,

Dear Madam:

You are hereby notified that the Secretary of the Interior, on May 24, 1904, affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lou E. Smith et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

(SIGNED)

Tamoc Diney.

Chairman.

MEMORANDA.

Name Lucy Ellen Weaver (Date) June 13, 1900.
 Choctaw? yes County 301 Year Alma, T.J. No.
 Chickasaw? County Year Page
 Citizen by blood? yes ($\frac{1}{8}$) Mother's citizenship Choc. ($\frac{1}{4}$)
 Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.
 Chickasaw? County Year Page
 Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law? (Husband) Bud Weaver (no)

License filed this day

Names of children:

(<u>omo</u>) <u>Craufill Otto</u>	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

Frank Zimmallt (father) ✓
Amanda Anna Zimmallt (mother) Lead

No. _____

For Identification as a Mississippi Choctaw.

Date

June 13 1900

Name

Lucy Ellen Wever

Age

36

Blood

1/8

Post Office,

Clam CT.

Father:

Frank Zumwalt

✓

Mother:

Mandy Ann Zumwalt

Claims through

Mother

Husband

Rud Wever

no claim for husband

Children:

x Crawford Otto Wever

⁵
10
mos

Note Evidence given Apr 10 yrs

Original slip in Choctaw 599

given Apr 2 10 mos

Applicant before Mar 15 1900

Stenographer

Race C. Jones

If I remember correctly the Jim Whitney referred to was admitted by U. S. Court.

Also want copy of this letter to file with case of Jane Gunnwett showing she is in insane asylum at Washington.

Has this man ever notified us of change of post office address? Note application is for enrollment and not for identification as a Mississippi Choctaw.

Expect we will have to arrange to extend time for hearing him.
(LVP 113)

Choctaw MCR 5006

Ellen Tookolo

See MCR 328

MCR 5006

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Ellen Tookolo, et al., as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application of
Ellen Tookolo, et al., as Mississippi Choctaws, M.C.R.

5006.

-oOo-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Ellen Tookolo, et al., as Mississippi Choctaws, M.C.R. 5006.

--: I N D E X :--

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Original application of Ellen Tookolo, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Testimony of Isaac Lewis-----	4
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Decision of the Commission identifying said applicants as Mississippi Choctaws-----	9

-oOo-

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Seale, Mississippi, March 19th, 1902.

In the matter of the application of Ellen Tookolo for the identification of herself and two minor children, Katie and Rena, as Mississippi Choctaws, represented by irregular interpreter Oscar Billey.

Said Oscar Billey, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What's your name? A Oscar Billey.
Q How old are you? A Thirty-nine years old.
Q What's your postoffice address? A High Hill, Mississippi.
Q Are you a full blood Choctaw Indian? A Yes sir.
Q How long have you lived in Neshoba County? A I've lived in Neshoba County ever since I was twenty-two years old.
Q Where did you live before that? A In Leake County.
Q All your life? A Yes sir, all my life until I was twenty-two years old and then I lived in Neshoba.
Q What official position do you hold at this time? A I am official interpreter for the Commission to the Five Civilized Tribes, engaged with the Mississippi Choctaw Enrollment Party.
Q Are you acquainted with a woman by the name of Ellen Tookolo? A Yes sir.
Q How long have you known her? A About seven or eight years.
Q Is she a full blood Choctaw? A Yes sir, I take her to be a full blood Choctaw.
Q She has every appearance of being one, has she? A Yes sir.
Q Does she speak and understand the Choctaw language? A Yes.
Q Any English? A Very little.
Q About how old a woman is she? A I spect she's fifty years old.
Q Is she married? A Yes.
Q Husband living? A Husband dead.
Q What was his name? A Joe Tookolo.
Q Where does Ellen live now? A She lives near Trapp Postoffice in Neshoba County.
Q How long has she lived there? A She lived where she's living now about two years.
Q Where did she live before that? A She's lived in this County all her life. She lived close to Franks but she moved to Trapp.
Q How long did she live there? A Two or three years.
Q Did she ever live near Holy Cross in this County? A Yes sir, she did before I got acquainted with her. I think she lived up there until she and her husband parted and they were separated when he died.
Q Is her father living? A No sir.
Q What was his name? A I don't know, sir.
Q Did you ever see him? A No sir.
Q Is her mother living? A No sir, not that I know of.
Q Do you know her name? A No.
Q Has she any children living? A Yes, three living.
Q What are their names? A The oldest one is Lillie.
Q Next one? A Katie.
Q Next one? A Rena.
Q Is Lillie married? A Yes sir.

Ellen Tookolo et al--2

- Q What's her husband's name? A Jim Tubbee.
Q Are Katie and Rena living with Ellen now? A Yes.
Q About how old is Katie? A About fifteen.
Q How old is Rena? A About thirteen.
Q You have known these girls all their life, have you? A yes sir, almost all their life.
Q Are they full bloods? A Yes sir.
Q What's the name of their father? A Joe Tookolo.
Q Was he a full blood Choctaw? A Yes sir.
Q How long did you know him? A Ten or twelve years--he lived there within two miles of me for five or six years and I knew him very well.
Q Do you know the name of his father? A No sir.
Q Or his mother? A No sir.
Q Did he live in this State all his life? A I think so.
Q Has this woman any other children living with her besides these two? A No sir.
Q Did you, in company with representatives of the Commission, visit the home of this woman Ellen Tookolo on the 7th day of March this year for the purpose of inducing her to make application for the identification of herself and minor children as Mississippi Choctaws? A Yes sir.
Q You had an interview with her--did you--on the question? A yes sir.
Q What did she say in regard to her appearance before the Commission? A She said she heard that this Commission was going to carry Choctaw off and she knew that she wasn't going to live long no-how, she was getting old and she didn't want to have anything to do with them and she said that her girl didn't want her to have anything to do with it.
Q You explained to her that that wasn't the purpose of the Commission, did you? A Yes sir, I explained to her that you just wanted her to come before the Commission but she said "no"--that you all might get her there and she didn't want to go.
Q After you had explained the situation fully to her she positively refused to give in her testimony, did she? A Yes sir, she did.
Before I could report the matter to representatives of the Commission who were only one-hundred ~~xxx~~ yards distant, from her house, she abruptly left the premises and refused to talk any further.
Q Do you know whether any application of any kind was ever made for her or her children before today? A Not as I knows of.

The records of the Commission show that on the 3rd day of February, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of Joe Tookolo, his wife Ellen and three minor children, Lillie, Katie and Rena as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card Field No. 328, also upon page 79 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, being numbers 1164, 1165, 1166, 1167 and 1168 respectively thereon.

Ellen Tookolo et al---3

- Q Joe Tookolo was living three years ago when the Commission was at Philadelphia, was he not? A yes sir, he was living then.
- Q You are thoroughly familiar with the provisions of the 14th article of the treaty of Dancing Rabbit Creek and with the provisions of subsequent acts of Congress passed in the interest of the Indians who claimed rights under that article, are you not? A yes sir.
- Q Do you know whether any of the ancestors of either Joe Tookolo or the applicant Ellen Tookolo ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q You don't know whether any of them ever received any benefits whatever as Choctaw Indians? A No, I don't.
- Q Do you know anyone who would likely know about that? A No sir, I don't know of anyone who would know about that.
- Q Did any of the ancestors of either of these people ever ~~unlawfully~~ live in Indian Territory to your knowledge? A Not as I know of.

From the testimony of official interpreter Oscar Billey it is apparent that Ellen Tookolo and Katie and Rena Tookolo, for whom this application is made, are full blood Choctaw Indians and that they and their ancestors have always been residents of the State of Mississippi. On the 7th of March representatives of the Commission visited the farm on which this Indian family lives, prepared to hear the application of Ellen Tookolo. The hut in which she lived, being one hundred years from the road, interpreter Billey was sent to see if she was at home and the interview referred to in her testimony took place at her house. On account of her leaving her house and refusing to talk further with the interpreter, it was impossible for the Commission to have an interview with her on the question of her making an application.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause, heard at Seale, Mississippi, March 19th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 29th day of March 1902, at Seale, Mississippi.

J. R. Mowley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *M. M. M.*

Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Dixon, Mississippi, March 25, 1903.

Additional testimony in the matter of the application for the identification of Ellen Joe and her two minor children, Katie and Lena Joe, as Mississippi Choctaws.

(The names of the applicants in this case appear upon Mississippi Choctaw card Field No. 5006 as Ellen, Katie and Rena Tookolo)

Isaac Lewis, being first duly sworn through official interpreter Ike Moses, testified as follows:

Examination by the Commission.

- Q What is your name? A Isaac Lewis.
Q What is your age? A About eighty.
Q What is your postoffice address? A Dixon.
Q Do you want to give some testimony in regard to a Choctaw Indian woman named Ellen Joe? A Yes.
Q Has she ever made an application to the Commission for identification as a Mississippi Choctaw? A No sir.
Q How old is she? A About forty-eight.
Q How much Choctaw blood has she? A Full blood.
Q What is her postoffice address? A Dixon.
Q What is the name of her father? A Chubbee, a Choctaw name.
Q Has he any English name? A No sir.
Q Is he living? A Been dead long time.
Q Do you know how long he has been dead? A About twenty years.
Q About how old was he when he died? A About thirty-five.
Q What is the name of Ellen Joe's mother? A I don't know about Ellen's mother.
Q Do you know if Ellen's mother was a full blood Choctaw? A Yes.
Q You don't remember her name? A No.
Q Did you ever see her? A Yes, I seen her.
Q Was Chubbee a full blood Choctaw? A Yes.
Q Is Ellen Joe married? A No sir.
Q Was she ever married? A Yes.
Q Who was she married to? A Joe, I think--he had other name but I forgot.
Q Is he dead? A Dead.
Q Did he live with Ellen as her husband from the time they married until he died? A Yes.
Q Do you know the name of Joe's father? A Don't know.
Q Do you know the name of his mother? A Don't know.
Q Did you ever see Joe--the husband of Ellen? A Yes.
Q Was he a full blood Choctaw? A Yes, full blood Choctaw.
Q Did he speak Choctaw? A Yes.
Q Could he speak English? A Yes.
Q Did he have all the appearance of a full blood Choctaw? A Yes.
Q How many children did Ellen Joe and her husband, Joe, have?
A She married twice.
Q What was the name of Ellen's first husband? A I don't know.

Ellen Joe, et al.-2

- Q Has Ellen Joe any young children, minors, who are under age and unmarried living with her at this time? A Yes.
- Q How many minor children has she with her at this time? A She got three--Joe's brother married Ellen and when he died Joe married her.
- Q Give the names of these children? A One name Katie.
- Q How old is Katie? A About sixteen.
- Q The next one? A Lena.
- Q How old is Lena? A About fourteen.
- Q Now, the next one? A I can't think of the name.
- Q Who is the father of Katie? A Joe.
- Q That is the first husband or the second husband? A Second husband.
- Q How long has the last husband that Ellen was married to been dead? A I don't know.
- Q Can you remember the name of the first husband--the name of the brother of Joe? A No sir, I don't remember.
- Q Katie, then, is the child of the last husband? A Yes.
- Q Then Lena is the child of the last husband? A Yes.
- Q Have either of these two girls any children of their own? A No sir.
- Q They are full blood Choctaws, are they? A Yes, full blood.
- Q Neither they nor their mother have ever appeared before the Commission to make application, have they, as Mississippi Choctaws? A No sir.
- Q Is that all the names of the children of Ellen Joe that you can remember, that is the minor children? A Yes sir.
- Q She has three children, then, one of whom is over age? A Yes sir.
- Q What is the name of the oldest child? A I can't think of her name--she married Jim Tubbee, and parted last Fall a year ago.
- Q Do you know whether she has ever made application for identification as a Mississippi Choctaw? A No sir, I don't know.
- Q How long did she live with Jim Tubbee before she parted from him? A About two years.
- Q When did she part from him? A Parted last Fall.
- Q Have they been parted over a year? A No sir, it was last Fall.
- Q You are mistaken, then, when you said last Fall a year ago, you mean the Fall of 1902? A Yes.
- Q Do you know whether Jim Tubbee has ever made an application for himself? A I don't know.
- Q Has this woman any children living with her, this Tubbee woman? A Yes, she has one. She had a law suit with her husband about that child.
- Q Did she get a divorce from her husband in the court? A No sir, she just want to take the baby.
- Q The baby is living with her now at her mother Ellen's? A Yes.
- Q Do you think you could find out the name of this woman before we left Dixon tonight? A I will try.
- Q Is Jim Tubbee a Choctaw Indian? A Yes sir.
- Q Full blood? A Yes, full blood.
- Q Does Ellen Joe speak the Choctaw language? A Yes.
- Q Can she speak English? A Yes.
- Q Has she all the appearance of a full blood Choctaw? A Yes.
- Q Has she always lived in the State of Mississippi? A Yes sir.

Ira S. Niles, being first duly sworn, states that as stenographer

Ellen Joe, et al-3

to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Dixon, Mississippi, March 25, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

L. S. Miner

Subscribed and sworn to before me this the 25 day of April, 1903.

Charles H. Sawyer
Notary Public.

M.C.R. 5006 - *Ellen Joe*
M.C.R. 4915 as to Lillie Tubbee.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Dixon, Mississippi, March 25, 1903.

In the matter of the application for the identification
of Ellen Joe, et al., as Mississippi Choctaws.

Ike Moses, being first duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Ike Moses.
Q What is your age? A Thirty-five.
Q What is your postoffice address? A Trapp.
Q You heard the testimony given by Isaac Lewis this morning in
regard to a Choctaw Indian named Ellen Joe, did you not? A Yes sir.
Q You interpreted that testimony before the Commission? A Yes
sir.
Q At that time the testimony showed that Ellen had three children?
A Yes.
Q Katie, Lena and one other whose name Isaac Lewis could not remem-
ber? A Yes.
Q And you also could not remember that name? A Yes.
Q Have you since that time thought of the name of that child?
A Yes.
Q What is the name of that child? A Lillie.
Q What is her surname? A I don't know--that's the one that
married first--they never told me what her daddy's name was.
Q Lillie is the daughter of Ellen Joe by which husband, her first
or second husband? A Her first husband.
Q Do you remember now the name of her first husband? A No.
Q Is Lillie the only name that you remember of this child? A Yes.
Q Has she a child, this Lillie, that is the one that parted from
her husband? A Yes, she's been married, she married Jim Tubbee.
Q Then her name is Lillie Tubbee? A Yes.
Q How old is she? A Eighteen or nineteen, somewhere along there.
Q She is not living with her husband now? A No sir.
Q Do you know whether she has ever made an application to the
Commission? A No sir, I don't know.
Q Is she a full blood Choctaw Indian? A Yes, full blood.
Q How long have you known her? A Been knowing her about ten
years, perhaps more.
Q Jim Tubbee is also a full blood? A Yes.
Q This child of Lena and Jim Tubbee, do you know the name of that
child? A No, I don't know.
Q Is it a girl or boy? A Girl.
Q About how old is it? A It isn't a year old yet.
Q Is that all you know in regard to Lillie Tubbee and her child?
A Yes, that all I know.

Ira S. Niles, being first duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he reported in full

Ellen Joe, et al.-2

all proceedings had in the above entitled cause, heard at Dixon, Mississippi, March 25, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 27th day of April, 1903.



Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Ellen Tookolo, et al., as Mississippi Choctaws, M.C.R. 5006.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
on March 19, 1902, by Oscar Billey for Ellen Tookolo and her two
minor children, Katie and Rena Tookolo, under the following pro-
vision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

From the evidence submitted in support of said application
it appears that all the applicants are full-blood Mississippi Choctaw
Indians.

Section forty-one of the act of Congress entitled "An Act
to ratify and confirm an agreement with the Choctaw and Chickasaw
tribes of Indians, and for other purposes," approved July 1, 1902,


(2)

(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

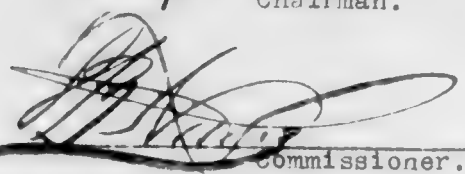
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians, whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Ellen Tookolo, Katie Tookolo and Rena Tookolo should be identified as Mississippi Choctaws, and it is so ordered.

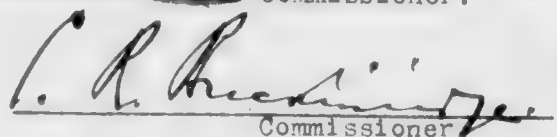
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner

Muskogee, Indian Territory,

Commissioner.

AAAY

MERIDIAN, MISSISSIPPI, October 2, 1903.

Ellen Tookolo,

Trapp, Mississippi.

Dear Madam:-

It appears from the records of the Commission that on March 19, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights of identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw--Chickasaw country, Indian Territory.

Please write to me at once, stating whether or not you desire to go to the Indian territory, and if so when you will come to Meridian to give testimony in your case. You will find me at the Federal building between the hours of 8 A. M. and 6 P. M.

Yours truly,

Special Agent.

Meridian, Mississippi, November 25, 1903.

Ellen Tookolo,

Trapp, Mississippi.

Dear Madam-

Under date of October 2, 1903, the following letter was written to you:

It appears from the records of the Commission that on March 19, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to go to the Indian Territory, and if so when you will come to Meridian to give testimony in your case. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim, it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

M.C.R. 5006

COPY.

Muskogee, Indian Territory, May 5, 1904.

Ellen Tookolo,

Trapp, Mississippi,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 5th, 1904, identifying you and your two daughters Katie and Rena Tookolo as Mississippi Choctaws under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, in order to avail yourselves of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905 at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

Wm. L. Dwyer

Chairman.

Registered.

Enc. MCR 5006.

M.C.R. 5006

COPY.

Muskogee, Indian Territory, May 5, 1904.

Oscar Billey,

High Hill, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 5, 1904, rendered its decision identifying Ellen Tookole and her two daughters Katie and Rena Tookole, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Under the provisions of the law above cited, in order for the persons so identified to avail themselves of the benefits of such identification, they must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 5, 1904, and must make proof of such removal and settlement on or before May 5, 1905, at the office of the Commission at Atoka Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

Tame Bixby.

Chairman.

M.C.R. 5006
COPY.

Muskogee, Indian Territory, May 5, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 5, 1904, identifying Ellen Tookolo and her two daughters Katie and Rena Tookolo, as Mississippi Choctaws, under the provisions of Section 42 of the Act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said Ellen Tookolo and daughters as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file protest within the time allowed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

Enc. MCR 5006

M.O.B. 5006

Muskogee, Indian Territory, June 23, 1904.

Oscar Johnson, P. K.,
Trapp, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 6, 1904, in which you ask that the registered letter addressed to Ellen Tookolo, at Trapp, Mississippi, which you returned to this office marked "refused" on May 19, 1904, be again forwarded your office in order that you may deliver the same to Ellen Tuoloc.

In compliance with your request, the said letter has this day been remailed you under separate cover.

Respectfully,

Commissioner in Charge.

#1901

No. 5006

For Identification as a Mississippi Choctaw.

Seale, Miss.

Date

March 19, 1902.

Name

Ellen Tookolo

by Oscar Bille

Age

50

Blood

full

Post Office.

Trapp, Miss

Father:

dont know

d

Mother:

"

"

d

Claims through

J. S. ...

Children:

Katie Tookolo

15 ~~15~~

Rena

"

13

Father for "

(full) d

See K.C. ...

Stenographer

J. I. Niles

No. 5006

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date March 25 - 1903

Name Ellen Joe

Age 48 Blood full

Post Office, Dixon, Miss.

Father: Chubbee, d. f.

Mother: dont know.

Claims through f. & m.

1st husband dont know.

2nd husband Joe d. f.

Children.

Katie 16

Lena 14

Lillie Tubbee 18 or 19

Information given by
Isaac Lewis through
the Moaes as interpreter

See sup test of the Moaes
of 4/25/03 as to Lillie Tubbee

Stenographer J. S. Miles

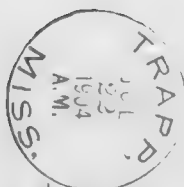
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 16 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBE

FILED
AUG 16 1904

[Signature]
CHAIRMAN.



TRAPP
JUN
30
1904
P.M.
MISS.

13926

11-423

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use

Forwarded

Return to Sender

Ref

TRAPP
AUG
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1904
P.M.
MISS.

G. H. ...
Trapp, C. O. ...
Trapp, Mississippi

REGISTERED
JUN 25 1904
MUSKOGEE, IND. TER.

RECEIVED
JUN 25 1904
MUSKOGEE, IND. TER.

Choctaw MCR 5007

Wesley Billey

By

Oscar Billey

MCR 5007

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Wesley Billey, et al., as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application for
the identification of Wesley Billey, et al., as Mississippi
Choctaws, M.C.R. 5007.

-oOo-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Wesley Billey, et al., as Mississippi Choctaws, M.C.R. 5007.

--: I N D E X :--

	(Page)
Original application of Wesley Billey, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Testimony of Ike Moses-----	4
Decision of the Commission identifying Wesley Billey, et al., as Mississippi Choctaws-----	6

-oOo-

5007

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Seale, Mississippi, March 19th, 1902.

In the matter of the application of Wesley Billey for the identification of himself and four minor children, Lena, Oscar, Fannie and -----, as Mississippi Choctaws, represented by irregular interpreter, Oscar Billey.

Said Oscar Billey, being first duly sworn, testified as follows:

Examination by the Commission/.

- Q What's your name? A Oscar Billey.
- Q What's your age? A Thirty-nine.
- Q What's your postoffice address? A High Hill, Mississippi.
- Q Are you a full blood Choctaw Indian? A yes.
- Q How long have you lived in Neshoba County? A Since I was twenty two years old.
- Q Where did you live before that? A In Leake County.
- Q Are you acquainted with an Indian by the name of Wesley Billey? A yes sir.
- Q How long have you known him? A I've known him eighteen years.
- Q Is he any relation to you? A No sir.
- Q Where does he live? A He lives here in Neshoba County near Trapp.
- Q Is he a full blood Choctaw? A yes.
- Q About how old a man is he? A He's forty-five or fifty years old.
- Q Has he always lived in this County? A Yes sir.
- Q What's his postoffice address? A Trapp.
- Q Is his father living? A No sir.
- Q What was his name? A Billey Ah-bi-hah-tah.
- Q How long has he been dead? A He's been dead twelve or fourteen years.
- Q About how old was he when he died? A I expect he was seventy years old when he died.
- Q Was he a full blood Choctaw? A yes sir.
- Q Do you know the name of his father or his mother? A No sir.
- Q Did he live here in Mississippi all his life? A I don't know, sir.
- Q Is Wesley's mother living? A No sir.
- Q What was her name? A I don't know.
- Q Did you ever see her? A I've seen her two or three times.
- Q Was she a full blood? A yes.
- Q Is Wesley married? A yes.
- Q Is his wife living? A No sir.
- Q What was her name? A Sophia.
- Q Was she a full blood Choctaw? A yes sir.
- Q How long has she been dead? A She's been dead eight years.
- Q About how old was she when she died? A She was about thirty-eight years old when she died.
- Q Is her father living? A No sir.
- Q What was his name? A Moses.
- Q Did he have any other name? A No sir, not that I know of.
- Q Was he a full blood? A yes.
- Q How old would he be if he were living now? A I expect he be about seventy-five years old if he were living now.

Wesley Billey et al--2

Q Do you know the name of either one of his parents? A No sir.
Q Is Sophia's mother living? A Yes sir.
Q What's her name? A Sallie Campbell.
Q Where does she live? A She lives near Saint Ann's in Leake County, Mississippi.
Q Is she a full blood Choctaw? A Yes.
Q She has made application to the Commission within the past year, hasn't she? A Yes sir.
Q Do you know Sallie's father's name? A No sir.
Q Or her mother's name? A No sir.
Q Has Sallie a Choctaw name? A Not as I know of.
Q Has this man Wesley any children living? A He's got four living.
Q Do you know their names and ages? A Lena, fifteen; Oscar, about fourteen; Fannie, about twelve.
Q Do you know the next one's name? A No sir, I don't know.
Q About how old is she? A About ten.
Q A girl? A Yes sir.
Q Are these four children living with Wesley now? A Yes sir.
Q Are they the children of Wesley and Sophia? A Yes sir.
Q How long did they live together? A They lived together about fifteen years. They lived together until she died.
Q All of the members of this family, then, are Wesley and these four children? A Yes sir.
Q Do you know whether He's ~~na~~ ever made any application of any description to the Commission? A No sir, he told me that he hasn't. He has always refused to have anything to do with the Commission--said he never would give in his name.
Q Did you, in company with representatives of the Commission, visit the home of this man Wesley Billey on the 7th day of this month for the purpose of hearing his application for identification as a Mississippi Choctaw? A Yes sir.
Q What did he say on being approached on the question of his giving in his testimony? A He said "no-I don't want to have anything to do with the Commission at all. I been hearing of the Commission so long and heap of the Choctaws went before the Commission here three years ago and they no got nary nickel yet and if I go before the Commission it would be the same thing and so I wont have anything to do with the Commission".
Q The matter of his appearing before the Commission and the necessity for his doing so was fully explained to him at the time, was it not? A Yes sir,.
Q And he still refused to make application? A Yes sir, still refused.
Q You are familiar with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, are you not? A Yes sir.
Q Do you know whether any of the ancestors of Wesley Billey or his wife Sophia ever complied or attempted to comply with the provisions of this 14th article or ever received any benefits thereunder? A I don't know.
Q You are familiar with the provisions of certain acts of Congress passed between the years 1837 and 1842 for the purpose of enabling Choctaws, claiming rights under the 14th article of the treaty of Dancing Rabbit Creek, to have an opportunity to present their claims? A Yes.

Wesley Billey et al--3

Q Do you know whether any of the ancestors of either of these persons ever appeared before any of these Commissioners appointed under the acts of Congress in question and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No sir, I don't know.

Q Do you know whether any of them ever got any scrip from the Government under the act of Congress approved the 23d day of August, 1842? A I don't know.

On the 7th day of March this year representatives of the Commission visited the home of Wesley Billey prepared to hear an application by him in behalf of himself and minor children for identification as Mississippi Choctaws. All efforts to induce him to make application proved of no avail. He has the appearance of being a full blood Indian-speaks and understands the Choctaw language and some English.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Seale, Mississippi, March 19th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 31st day of March, 1902, at Seale, Mississippi.

L. B. Mosley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Dixon, Mississippi, March 25, 1903.

Additional testimony in the matter of the application for the identification of Wesley Billey and his four minor children, Lena, Oscar, Minnie and Fannie Billey, as Mississippi Choctaws.

Ike Moses, being first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Ike Moses.
Q What is your age? A About thirty five.
Q What is your postoffice address? A Trapp.
Q Are you a Choctaw Indian? A Yes sir.
Q How much Choctaw blood do you claim to have? A Full blood.
Q Have you ever made an application for identification as a Mississippi Choctaw to the Commission to the Five Civilized Tribes? A Yes sir.
Q Where did you make that application? A At Meridian.
Q When was it? A October a year ago, last October a year ago.
Q Do you now desire to give testimony in regard to a Mississippi Choctaw Indian named Wesley Billey? A Yes.
Q Has he ever made an application to the Commission to the Five Civilized Tribes for identification as a Mississippi Choctaw? A No sir.
Q Is he any relation of yours? A Yes.
Q What relation? A Brotherinlaw.
Q He married your sister? A Yes sir.
Q Is your sister living--the wife of Wesley Billey? A No sir, she's dead.
Q How long has she been dead? A About six years.
Q What was her name? A Sophie.
Q What is Wesley Billey's postoffice address? A Trapp.
Q How old is Wesley Billey? A About forty-eight.
Q Is he a Choctaw Indian? A Full blood.
Q Has Wesley Billey a Choctaw name? A No sir.
Q What is Wesley Billey's father's name? A Billey--he's got a Choctaw name, Ah-be-ha-tah.
Q That is Wesley Billey's father's Choctaw name? A Yes sir.
Q Is he living, Wesley's father? A No sir.
Q When did he die? A About 12 years ago.
Q About how old was he when he died? A About fifty-five.
Q Was he a full blood Choctaw? A Yes sir.
Q What is the name of Wesley Billey's mother? A Sookie, I think.
Q Did she have a Choctaw name? A I don't know.
Q Is she living? A No, she died.
Q When did she die? A I think she died about ten years ago.
Q About how old was she when she died? A About forty.
Q Was she a Choctaw Indian? A A full blood.
Q Do you know the names of Wesley Billey's grandparents, that is the father or mother of Billey or Sookie? A No sir, I don't.

Wesley Billey, et al.-2

Q Has Wesley Billey any minor children-children under 21 years of age and unmarried? A Yes, he got four children.
Q Give the name of the oldest child? A Lena.
Q How old is Lena? A About eighteen.
Q Is she living with her father now? A Yes sir.
Q Is she a full blood Choctaw? A Yes sir.
Q Is she the child of Wesley Billey and your sister? A Yes sir.
Q What is the name of the next child? A Oscar.
Q How old is Oscar? A About fifteen.
Q Is Oscar living with his father now? A Yes sir.
Q A full blood Choctaw? A Yes.
Q What is the name of the next child? A Minnie.
Q How old is Minnie? A About twelve.
Q Living with her father now? A Yes sir.
Q A full blood Choctaw? A Full blood Choctaw.
Q What is the name of the last child? A Fannie.
Q How old? A About ten.
Q Living with her father now? A Yes.
Q Full blood Choctaw? A Yes.
Q These four children are all the children of Wesley Billey and your sister, are they? A Yes.
Q Have you ever had a talk with Wesley Billey in regard to appearing before the Commission and making an application? A Yes.
Q Just state what he said? A He said he just didn't want to come-- he said he heard the news over there and white people told him about it and they said it wasn't no good country there.
Q How long have you known Wesley Billey? A Been knowing him about twenty-eight years.
Q And you knew his father and mother personally, did you? A Yes sir.
Q Have you ever heard the fact disputed that he was a full blood Choctaw? A No sir.
Q The general reputation of Wesley Billey in the community and neighborhood in which he lives is that he is a full blood Choctaw? A Yes.
Q Has all the appearance of a full blood Choctaw? A Yes.
Q These are the only children that Wesley Billey has? A Yes.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Dixon, Mississippi, March 25, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 27 day of April, 1903.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the identification of
Wesley Billey, et al., as Mississippi Choctaws, M.C.R. 5007.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
on March 19, 1902, by Oscar Billey for Wesley Billey and his four
minor children, Lena, Oscar, Minnie and Fannie Billey, under the
following provision of the act of Congress approved June 28, 1898,
(30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

From the evidence submitted in support of said application
it appears that all the applicants are full-blood Mississippi Choc-
taw Indians.

Section forty-one of the act of Congress entitled "An Act
to ratify and confirm an agreement with the Choctaw and Chickasaw
tribes of Indians, and for other purposes," Approved July 1, 1902,

(2)

(32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Wesley Billey, Lena Billey, Oscar Billey, Minnie Billey and Fannie Billey should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Commissioner.

Muskogee, Indian Territory,

MAY 20 1904

MERIDIAN, MISSISSIPPI, October 3, 1903.

Wesley Dilley,

Trapp, Mississippi.

Dear Sir:-

It appears from the records of the Commission that on March 19, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons, who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 A. M. and 6 P. M.

Very respectfully,

No. 86--MCR 3007

Special Agent.

Meridian, Mississippi, November 27, 1903.

Wesley Billey,

Trapp, Mississippi.

Dear Sir-

Under date of October 3, 1903, the following letter was written to you:

It appears from the records of the Commission that on March 19, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim, it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

Meridian, Mississippi, November 27, 1903.

Wesley Billey,

Trapp, Mississippi.

Dear Sir-

Under date of October 3, 1903, the following letter was written to you:

It appears from the records of the Commission that on March 19, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim, it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

M.C.R. 5007

COPY!

Muskogee, Indian Territory, May 20, 1904.

Wesley Billey,

Trapp, Mississippi,

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered May 20, 1904, identifying you, and your children Lena, Oscar, Minnie and Fannie Billey, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order to avail yourselves of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 20, 1904, and must make proof of such removal and settlement on or before May 20, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

T. B. Needles
Commissioner in Charge.

Registered.

Incl. MCR 5007.

COPY.

Muskogee, Indian Territory, May 20, 1904.

Oscar Billey,

Roff, Indian Territory,

Dear Sir:

You are hereby advised that the Commission to the Five Civilized Tribes, on May 20, 1904, rendered its decision identifying Wesley Billey, and his children Lena, Oscar, Minnie and Fannie Billey, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, the persons so identified, in order to avail themselves of the benefits of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 20, 1904, and must make proof of such removal and settlement on or before May 20, 1905, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

T. B. Noddies.

Commissioner in Charge.

M.C.R. 5007

COPY.

Maskogee, Indian Territory, May 20, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 20, 1904, identifying Wesley Billey and his minor children, Lena, Oscar, Minnie and Fannie Billey, as Mississippi Choctaws, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of the Commission in identifying said applicants as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein. If you fail to file protest within the time allowed, their names will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

Incl. MCR 5007.

1902

No. 5007

For Identification as a Mississippi Choctaw.

Seale Miss

1902

Name

Wesley Billey

Age

46

Blood full

Post Office,

Trapp - Miss

Father:

Billy Ah-bi-hah-lah d

Mother:

- dont know - d

Claims through

wife

Sophia Billey (full) d

Father

Hoses - d

Mother

Ballie Campbell d

For self

children

Children:

Lena

Billey

15

Oscar

"

14

Fannie

"

12

- - -

"

(F) 10

Stenographer

J. J. Kiles

NO. 5007
FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date March 25" 1903

Name Wesley Billey

Age 7 8 Blood full

Post Office, Trapp Miss

Father: Billey (Ah-be-ha-tah) d. f.

Mother: Sookie d. f.

Claims through father & mother

L

Children.

Lena 18

Oscar 15

Minnie 12

Fannie 10

Information given by the same

Stenographer - J. H. Miles

Choctaw MCR 5008

Fannie Roberts

MCR 5008

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

In the matter of the application of Fannie Roberts, et al., for identification as Mississippi Choctaws, M. C. R. 3002.

List of papers forwarded to the Secretary of the interior with the record in the above case, together with the page occupied by each in said record.

	Page.
Original application of Fannie Roberts, et al., for identification as Mississippi Choctaws.	1
Affidavit of Mrs. R. J. Rather in support of application.	2
Decision of the Commission refusing the application of Fannie Roberts, et al., for identification as Mississippi Choctaws.	3

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 26th, 1908.

5008.

In the matter of the application of Fannie Roberts for the identification of herself and her eight minor children, Annie, Sarah, Willie, John, Matthew, Mary, Lura and Juber Roberts, as Mississippi Choctaws.

(Applicant not represented by attorney)

Fannie Roberts, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Fannie Roberts.
- Q What is your age? A I think I am about twenty eight years old. My mother said I was born October 4th, after they were turned loose in June.
- Q What do you mean by turned loose? A They was freed.
- Q They were slaves, were they? A Yes sir.
- Q Then you would be thirty eight years old? A Well, that is when she told me I was born.
- Q What is your post office address? A Wynnewood.
- Q Indian Territory? A Yes sir.
- Q How long have you lived there in Wynnewood? A I lived there---I moved there just a few days before Christmas.
- Q This last Christmas? A Yes sir.
- Q Where did you live before you lived in Wynnewood? A I lived at Berwyn, two years.
- Q Berwyn, Indian Territory? A Yes sir.
- Q Where did you live before that? A Tishomingo one years, and I lived at Colbert, three years, I know.
- Q Colbert, Indian Territory? A Yes sir.
- Q Where were you born? A I was born in Shelby county, Texas.
- Q How long did you live in Texas? A I lived there until I was grown and married.
- Q Did you go from Texas to Indian Territory? A No sir, my mother wanted to go to the Indian Territory, and we got as far as Denison, and we heard the Indians would kill us and we stayed thereuntil she died---stayed there eleven years in Grayson county.
- Q You left the state of Texas when you went to the territory? A Yes sir.
- Q You always lived in Texas until you came to the territory? A Yes sir.
- Q And have lived in the territory ever since? A Yes sir.
- Q Is your father living? A No sir,---yes, my father he's living.
- Q Is your mother living? A No sir.
- Q What is your father's name? A Joe Davis.
- Q What was your mother's name? A Hulda Rather, I reckon, when she died---she was freed under the name of Rather.
- Q Through which parent do you claim Choctaw blood? A My mother.

Fannie Roberts, et al., -----2

Q How much Choctaw blood do you claim? A I don't know sir, my grandmother claimed to be a full blood, and my mother's father was a colored man---and my father was a colored man.

Q Then you would be one quarter wouldn't you? A Yes sir.

Q You claim one quarter Choctaw blood, do you? A Yes sir.

Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.

Q You are married? A Yes sir.

Q Is your husband living? A Yes sir.

Q Is he a negro? A Yes sir.

Q What is his name? A Jube Roberts.

Q Do you make any claim for your husband? A No sir, just for myself and children.

Q Your father was a negro? A Yes sir.

Q Was he a slave before the war? A Yes sir.

Q And your mother was a slave also? A Yes sir.

Q Was your mother's mother a slave? A Yes sir, she was stole by speculators and made a slave of.

Q You claim she was a full blood Choctaw Indian?--and that she was stolen and enslaved? A Yes sir.

Q What is the name of your oldest child for whom you want to make application? A Annie Roberts.

Q How old is Annie? A She was nineteen years old the 9th day of November past.

Q What is the name of your next child? A Sarah.

Q How old is Sarah? A Sarah will be eighteen years old the eighteenth day of this coming June.

Q She is seventeen now? A Yes sir, seventeen.

Q What is the name of your next child? A Willie.

Q Boy? A Yes sir.

Q How old is Willie? A Fifteen years old.

Q Next? A John.

Q How old is John? A Thirteen.

Q The next? A Matthew.

Q How old is Matthew? A Matthew is eleven years old.

Q Next? A Mary.

Q How old is Mary? A Mary is nine years old.

Q Next? A Lura.

Q How old is Lura? A She is seventeen years old.

Q Next? A Juber.

Q How old? A Two years old.

Q Is that all? A Yes sir, that is all I have.

Q Is Jube Roberts the father of these children? A Yes sir.

Q And you are the mother? A Yes sir.

Q They are all living with you at your home? A Yes sir.

Q You and your husband are living together as husband and wife? A Yes sir.

Q Were either of you ever married before you married each other? A No sir.

Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Fannie Roberts-et al.,---3

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.

Q You never made any application before this? A No sir.

Q Have you and your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q Do you now come before the Commission for the purpose of identifying yourself and these minor children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A No sir, I don't.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians who used to live in the old Choctaw Nation in Mississippi and Alabama, at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830--seventy two years ago. The object of making that treaty with the Indians was that they might be removed under the treaty from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed, it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the interests of those Choctaw Indians who desired to stay back in the old Nation, article fourteen was made and put into the treaty of 1830. That article was drawn up for the especial benefit of the Mississippi Choctaws, and is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of six hundred and forty acres of land to be bounded by section lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Fannie Roberts, et al., -----4

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article? A No sir.
- Q Do you know what I mean when I ask you about your ancestors? A My foreparents.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother, Edie Fisher.
- Q You say your grandmother, Edie Fisher, was a slave? A Yes, sir, she was not born a slave.
- Q Where was she born? A She was born in Mississippi---Granny said she was a good sized girl when she was taken by the speculators.
- Q How old was she? A She said she was ten or eleven years or twelve years old, or may be thirteen.
- Q Do you know where she was born in Mississippi? A No sir, I don't know where it was at, I just heard her say Mississippi.
- Q After she was taken by speculators and sold as a slave, who owned her? A She didn't know the first white people that owned her.
- Q Did they live in Mississippi? A I don't know, she said she was moved off to Tennessee, and from there to Alabama and then to Texas.
- Q How much Choctaw blood do you claim your grandmother had? A Full blood.
- Q Do you know anything about her father and mother? A No sir, I don't, she said they took her from her grandmother.
- Q Did she speak the Choctaw language? A She spoke some peculiar language that I couldn't understand.
- Q Do you know what that language was? A No sir, she called it Choctaw language.
- Q How old would she be if living now? A I don't know sir.
- Q How old would your mother be if living now? A Seventy eight years old.
- Q Where was she born? A I think she was born in Alabama.
- Q Where in Alabama? A North Alabama, somewhere not far from a place called Talladega.
- Q Your mother was born in the state of Alabama about seventy eight years ago? A Yes sir.
- Q That would be six years before the treaty of 1830? A I don't know sir.
- Q Did your grandmother live in the state of Alabama in 1830 and was she the head of a family at that time---did she have a family of children living at that time who had Choctaw blood? A Yes sir.
- Q Do you know how many children she had in Alabama in 1830? A No sir, I don't know exactly how many she had.
- Q You know that she had your mother? A Yes sir.
- Q Did your mother have any older brothers and sisters? A Yes sir.
- Q And did she have younger brothers and sisters? A Yes sir.
- Q They were all slaves? A Yes sir.
- Q Did your mother speak the Choctaw language? A Yes sir.
- Q Did you ever hear her? A Yes sir.
- Q How do you know she spoke Choctaw? A She talked so that we could not understand it, and then told us it was Choctaw.

- Q Did your mother and her mother live together on the same plantation? A Yes sir.
- Q How long? A Until granny died.
- Q Who taught your mother to speak Choctaw? A I reckon granny taught her; she could talk it.
- Q You think it would be probable that your grandmother taught her daughter who was a half blood Choctaw to speak Choctaw? A Yes sir, she tried to learn us to count that way.
- Q Did any of your Choctaw ancestors own improvements on land in Mississippi or Alabama in 1830? A No sir.
- Q Do you know whether your grandmother who lived in Alabama in 1830 and had a family there, lived in the old Choctaw Nation in Alabama or not? A No sir, I don't know whether it was or not.
- Q And you couldn't tell what year it was she moved there? A No sir.
- Q Or what county it was she lived in? A No sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states? A No sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between years 1833 and 1838 or 1840? A No sir, not that I ever knowed anything about.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama either under article fourteen of the treaty of 1830 or under any other article of that treaty or under its supplement? A No sir, they didn't own no land.
- Q Did any of your Choctaw ancestors claim any benefits under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A No sir.

The Indians who stayed back in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required ~~in~~ if they wanted to take advantage of the provisions of article fourteen of that treaty, to go to the United States Indian Agent within six months from its ratification and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register. His failure to do so caused a great many Indians who held land in Mississippi upon which they had improvements to lose both their land and improvements; both were taken from them by the government and sold at its public land sales. This caused a great many complaints, and as a result of those complaints Congress appointed a Commission in 1837, by an act approved March 3 of that year, and this Commission went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 Congress appointed another Commission by an act approved August 23 of that year, and this Commission also went to Mississippi and heard claimants under

Fannie Roberts-----6
et al.,

article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits under article fourteen as Choctaw Indians? A No sir, they didn't have no privilege of that kind; my granny went before the white folks.

Q Was it to get her freedom that she went before them? A Yes sir.

Q Did she get it? A No sir.

Q Did any of your Choctaw ancestors receive any scrip from the government of the United States which entitled them to receive land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which the government had taken from them and sold? A No sir.

Q Have you any kin people who have been before the Commission to be identified as Mississippi Choctaws claiming through Edie Fisher? A No sir.

Q Have you any other evidence that you want to introduce at this time in support of your claim? A No sir.

Q Have you any witnesses present before the Commission that you want to call now? A No sir, my aunt was too old and sickly to come up.

Q Do you want to get her deposition before the Commission? A If it is needed.

Q If you want time to furnish evidence we will allow it to you? A Yes sir, I want time.

Reasonable time will be allowed this applicant in which to furnish evidence in support of this application if she desires.

Q You do not speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from negro parentage. She claims Choctaw blood but her appearance and all physical marks are those of a negro. She does not show the Choctaw strain of blood if she has any. Her parents were slaves, also her grandmother through whom she claims the right to be identified as a Mississippi Choctaw. She claims as do all applicants showing negro blood and whose ancestors were slaves that her ancestor was an Indian and was stolen and enslaved. She does not understand the Choctaw language and has no knowledge of any compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

H. C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 26th day of March, 1902, and that the above and foregoing is a full, true and correct transcript of

Fannie Roberts, et al., -----27

his stenographic notes of said proceedings on said date.

H. Christeen

Subscribed and sworn to before me at Muskogee, Indian
Territory, this 27th day of March, 1902.

Carroll Wood

Notary Public.

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COW.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---p---

In the matter of the application of Fannie Roberts, et al.,
for identification as Mississippi Choctaws, M.C.R. 5008.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Fannie Roberts for herself and her eight minor children, Annie Sarah, Willie, John, Matthew, Mary, Lura and Juber Roberts, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of Edie Fisher, who is alleged to have been a full blood Choctaw Indian, and to have resided in Alabama in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Edie Fisher, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 130) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Roberts, Annie Roberts, Sarah Roberts, Willie Roberts, John Roberts, Matthew Roberts, Mary Roberts, Lura Roberts and Juber Roberts as Choctaw Indians entitled to rights in the Choctaw lands under the

provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Bixby.

Acting Chairman.

(SIGNED)

I. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 30 1902

Miss. Choctaw 5008.

Muskogee, Indian Territory, April 24, 1902.

Fannie Roberts,

Wynnewood, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of April 21, inclosing statement of James Kirksey, Obie Kirksey, Maggie Kirksey, J. S. Kirksey and Monrow Kirksey, and statement of J. S. Kirksey, Obey Kirksey and Monroe Kirksey, with reference to their grandmother Nady Kirksey and stating that they are cousins of yours. You also state that you can secure plenty of proof in support of your claim, but that, as your witnesses live in Alabama, it will take some time to get it.

In reply to your letter you are advised that the statements forwarded by you are herewith returned for the reason that they are not affidavits, but merely unsworn statements, and the facts therein set forth, do not in any way affect your rights as a Mississippi Choctaw, claiming under the fourteenth article of the treaty of 1830.

The Commission is averse to accepting affidavits in support of applications for identification as Mississippi Choctaws, but prefers, whenever it is possible, to examine witnesses in person. If it

P.R. 2

impossible, because of nonresidence, or from any other cause, which, under the rules of the Commission, would constitute inability, to secure the attendance of your witnesses, their depositions will be considered, when taken in accordance with the rules and regulations of the Commission governing the taking of depositions in support of applications for identification as Mississippi Choctaws, a copy of which is inclosed herewith for your information.

Yours truly,

Commissioner in Charge.

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Rules for taking
depositions.

Miss. Choctaw 5008

Muskogee, Indian Territory, May 16, 1902.

Fannie Roberts,

Wynnewood, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of recent date, in which you say that you have received an affidavit from your old mistress, stating certain facts in regard to your Choctaw blood, but that the same was not in proper form, and you had to return it to her for correction, and you ask for additional time within which to present this evidence.

In reply to your letter you are advised that you will be permitted to file additional evidence in support of your application within thirty days from this date.

Yours truly,

Acting Chairman.

Miss. Choctaw 5008

Muskogee, Indian Territory, May 23, 1902.

Fannie Roberts,

Wynnewood, Indian Territory,

Dear madam:

Receipt is hereby acknowledged of your letter of May 19, inclosing sworn statement of Mrs. E. J. Rather in support of your application for identification as a Mississippi Choctaw. The same has been filed with the record in your case and will receive consideration in the disposition of the application.

Yours truly,

Acting Chairman.

COPY

Muskogee, Indian Territory October 30, 1902.

Fannie Roberts,

Remailed to Berwyn 27 Sept 3/03
Wynnewood, Indian Territory.

Dear Madam:

You are hereby advised that on the 30th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Fannie Roberts, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 25, 1898 (30 Stats., 490) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Roberts, Annie Roberts, Sarah Roberts, Willie Roberts, John Roberts, Matthew Roberts, Mary Roberts, Lura Roberts and Juber Roberts as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamc Dixby.

Acting Chairman.

Registered.

M.C.R. 5006.

COPY.

Muskogee, Indian Territory October 30, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Fannie Roberts, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 400) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Roberts, Annie Roberts, Sarah Roberts, Willie Roberts, John Roberts, Matthew Roberts, Mary Roberts, Lura Roberts and Juber Roberts as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof

MM & C -2

within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Bixby.

Acting Chairman.

COPY:

Muskogee, Indian Territory, November 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the case of Fannie Roberts, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 30, 1902.

The Commission has the honor to report that the principal applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

[Signature]
Acting Chairman.

Through the Commissioner
of Indian Affairs.
Enc. M O R 5008.

M.C.R. 5008.

Waskoe, Indian Territory, January 19, 1903.

Flora Roberts,

Wynwood, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 14th inst., in which you state that you have been sick, and unable to get additional evidence in support of your claim; that you will get such evidence and forward it to the Commission as soon as possible.

In reply to your letter, you are informed that the fifteen days from October 30, 1902, heretofore granted you within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior expired on November 14, 1902.

On November 15, 1902, the record in your case, together with the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, was forwarded to the Secretary of the Interior.

Pending action thereon by him, the Commission cannot receive or consider further evidence. You will be duly notified of such departmental action as may be taken in your case.

Respectfully,

Commissioner in Charge.

(C O P Y)

Refer in reply to the following:
Land, 69,056--1902.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, Feb. 19, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Fannie Roberts for the identification of herself and her eight minor children, Annie, Sarah, Willie, John, Matthew, Mary, Laura and Juba Roberts, as Mississippi Choctaws.

On October 30, 1902, the commission rendered a decision in this case finding that the evidence submitted by the applicants is insufficient to determine their identity as Mississippi Choctaws entitled to rights in the lands of the Choctaw Nation by reason of the provisions of article 14 of the Choctaw treaty of 1850.

An examination of the record evidence shows that the principal applicant, Fannie Roberts, claims to have derived her Choctaw blood from her mother, Hulda Rather or Davis and her grandmother, Edie

2.

Fisher, but the record evidence nowhere shows that the applicants are entitled to such identification by reason of being the descendants of said persons, for it is not shown in said evidence nor do the office records show that either the said Hulda Rather or Davis or Edie Fisher ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830 or ever received a patent for land thereunder.

The record evidence in no way supports the claim of these applicants, but does show that they are not of the full blood.

The office therefore considers that their applications should be refused and recommends that said decision of the commission be affirmed by the Department.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

(W.C.B.)

P.

(COPY)

RAF.

DEPARTMENT OF THE INTERIOR,

Washington, March 26, 1903.

ITB. 2146--1903.

DO. 8988--1903.

L.R.3.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

November 15, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Fannie Roberts and her minor children, Annie, Sarah, Willie, John, Matthew, Mary, Lura and Juber Roberts, including your decision of October 30, 1902, refusing the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Hulda Rather (or Davis), the principal applicant's mother, and Edie Fisher, her grandmother, who is alleged to have been a full blood Choctaw Indian residing in Alabama in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that either of their alleged ancestors complied or attempted to comply with said

article 14 or with either of the acts of March 3, 1857 (5 Stat., 130), and August 23, 1842 (5 Stat., 513).

Reporting February 19, 1905, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department finds no reason to modify your decision and it is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, April 7, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 26th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification of Mississippi Choctaws of the several persons included in the case of Fannie Roberts et al., of which decision you were advised by mail on the 30th day of October 1902.

Respectfully,

SIGNED

C. D. Brackinridge
Commissioner in Charge.

M C R 5008

COPY.

Muskogee, Indian Territory, April 7, 1903.

Fannie Roberts,
Wynnswood, Indian Territory.

Dear Madam:

You are hereby notified that on the 26th day of March 1903 the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Fannie Roberts et al., of which decision you were advised by registered mail on the 30th day of October 1902.

Respectfully,

C. R. Breckinridge.
Commissioner in Charge.

M C R 5008

Muskogee, Indian Territory, July 28, 1903.

Fannie Roberts,

Post Office Box 938,

Berwyn, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 24th instant, in reply to our letter of the 16th. You ask that a certain affidavit, forwarded by Mrs. E. J. Rather, be returned to you at Berwyn.

In reply you are informed that the record in your case is now in the hands of the Secretary of the Interior, and you should correspond with him relative to the return of any papers filed in support of your claim.

Respectfully,

Commissioner in Charge.

M C R 5008

Muskogee, Indian Territory, September 3, 1903.

Fannie Roberts, .

Berwyn, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 19th ultimo, by reference from the Secretary of the Interior, in which you ask that the affidavit of Mrs. E. J. Rather, filed in support of your application for identification as a Mississippi Choctaw, be returned to you.

In reply you are informed that the record in your case, together with the decision of the commission refusing your application for the identification of yourself and minor children as Mississippi Choctaws, was on November 15, 1902, forwarded to the Secretary of the Interior.

On March 26, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application, of which departmental action you were duly advised on April 7, 1903. The record is in the hands of the Secretary and you should correspond with him in regard to the return of the affidavit.

Respectfully,

Chairman.

Muskogee, Indian Territory, September 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

The Commission has the honor to enclose herewith a copy of a communication from Fannie Roberts, Berwyn, Indian Territory, under date of September 12, 1903, in which she states that she has heretofore requested the return by the Department of the affidavit of Mrs. E. J. Rather which was filed in support of the application of said Fannie Roberts for identification as a Mississippi Choctaw.

The Commission has had numerous communications from Mrs. Roberts requesting the return of the affidavit referred to, and on September 3, 1903, received, by reference from the Department of the Interior, a communication of Mrs. Roberts renewing her request for the return of the affidavit. In reply to all of these inquiries she has been invariably informed that the affidavit was included in the record in the matter of her application for identification as a Mississippi Choctaw, and which was in the possession of the Department.

The record in the matter of the application of Fannie Roberts for identification as a Mississippi Choctaw, including the affidavit of Mrs. E. J. Rather, was forwarded the Department on

November 15, 1902, and on March 26, 1903, the Secretary of the Interior affirmed the decision of the Commission of October 30, 1902, refusing the application of Fannie Roberts for the identification of herself and her eight minor children as Mississippi Choctaws.

A copy of the letter of Mrs. Roberts, above referred to, is forwarded the Department for such action as the premises may warrant.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

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COPY.

Land.
62185-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington, Oct. 8, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to forward herewith letter of the Commission to the Five Civilized Tribes of the 24th ultimo enclosing copy of a communication from Fannie Roberts, Berwyn, Indian Territory, under date of September 12, 1903, in which she states that she has heretofore requested the return by the Department of the affidavit of Mrs. E. J. Rather which was filed in support of the application of Fannie Roberts for identification as a Mississippi Choctaw.

The Commission says it has had numerous communications from Mrs. Roberts requesting the return of the affidavit referred to, and on September 3, 1903, received by reference from the Department a communication of Mrs. Roberts renewing her request for the return of the affidavit. In reply to all of these inquiries Mrs. Roberts has been invariably informed that the affidavit was included in the record in the matter of her application for identification as a Mississippi Choctaw and which was in the possession of the Department.

The record in the matter of the application of Fannie Roberts for identification as a Mississippi Choctaw, including

the affidavit of Mrs. A. J. Rather, was forwarded to the Department November 15, 1902, and on March 26, 1903, the Secretary affirmed the decision of the Commission of October 20, 1902, rejecting the application of Fannie Roberts for the identification of herself and her eight minor children as Mississippi Choctaws.

The affidavit of Mrs. A. J. Rather referred to by Mrs. Roberts has been detached from the record in the Mississippi Choctaw case of Fannie Roberts and others and is enclosed for disposition by the Department.

Very respectfully,

W. A. Jones,

Commissioner.

EBR-8.

D.C. 29524.
ITD. 7202-1903.
L.R. 8.

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DEPARTMENT OF THE INTERIOR,

Washington. October 19, 1903.

Commission to the
Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

September 24, 1903, you transmitted a copy of a letter of September 12, 1903, from Fannie Roberts, Berwyn, I.T., in which she requests the return of the affidavit of Mrs. E. J. Rather in the matter of the application for identification of Fannie Roberts et al., as Mississippi Choctaws, if such application has been refused.

It appears that on March 26, 1903, the Department affirmed your decision denying said application.

The affidavit referred to was forwarded with the Commissioner of Indian Affairs report of October 8th,.

Inasmuch as said affidavit is a part of the record in the case, you are requested to inform Fannie Roberts that it will not be returned to her.

A copy of the Commissioner's report is inclosed.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

M C R 5008

Muskogee, Indian Territory, October 28, 1903.

Fannie Roberts,

Barry, Indian Territory.

Dear Madam:

The Commission is in receipt of a letter from the Secretary of the Interior, under date of October 19, 1903, wherein he states that the affidavit of Mrs. E. J. Rather, filed in support of your application for identification as a Mississippi Choctaw, the return of which you have repeatedly requested, cannot be returned to you as it is a part of the record in your case.

For your information a copy of the Secretary's letter is herewith enclosed.

Respectfully,

Commissioner in Charge.

MoM 26

No. 5008

For Identification as a Mississippi Choctaw.

Date

MAR 2 1902

Name *Fannie Roberts.*

Age *38* Blood *1/4*

Post Office, *Wynnewood, D. D.*

Father: *Joe Davis, l.*

Mother: *Hulda Parker, d*

Claims through *mother*
Husband.

Juber Roberts, l. neg.

No claim for husband

Children:

Fannie Roberts, 19

Sarah " 17

Willie " M 15

John " 13

Matthew " 11

Mary " 9

Lura " 7

Juber " 2

*Claims for self
and children.*

Stenographer *H. C. Risten.*

Choctaw MCR 5009

William H. Marshall

See MCR 1631

MCR 5009

#5009

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskegee, Indian Territory, March 26th, 1902.

In the matter of the application of William H. Marshall
for the identification of himself and his two minor children,
Jennie Kvie and Lee Marshall, as Mississippi Choctaws.

(Ben Martin, attorney for applicant.)

William H. Marshall, having been first duly sworn, upon
his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A William H. Marshall.
Q What is your age? A Thirty two years old; I will be thirty
three in April.
Q What is your post office address? A Clarkesville, Texas.
Q How long have you lived in Clarkesville Texas? A I have
been there ever since 1883.
Q Where did you live before that? A Carroll County, Mississ-
ippi. I was born there.
Q And always lived there until you went to Texas? A Yes sir.
Q What is your father's name? A S. L. Marshall.
Q Is he living? A No sir, he is dead.
Q Is your mother living? A No sir, she is dead.
Q What was her name? A Mary M. Marshall.
Q Through which parent do you claim Choctaw blood? A Through
my father.
Q How much Choctaw blood do you claim? A Well, I couldn't
exactly answer that question --- I do not exactly know.
Q Has your father ever been recognized in any way or enrolled
as a member of the Choctaw tribe of Indians by the Choctaw tribe
authorities or by the United States authorities in Indian Terri-
tory? A No sir.
Q Have you the proof of the marriage of your father and mother
with you? A No sir, it is on record in Mississippi.
Q You can introduce that later if given time? A Yes sir.

Reasonable time will be allowed for that purpose.
Q Can you tell the date of their marriage? A I could tell
you the year, but I could not give the date.
Q What year? A They married in 1853.
Q By a minister and under license? A Hold on a minute, let
me see---yes, that is right, 1853.

- Q By a minister and under license? A Yes sir.
Q At what place were they married? A Carroll county, Mississippi.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q Is she an Indian or a white woman? A She is a white lady, no Indian.
Q What is her name? A Charlotte D. Marshall.
Q You make no claim for her? A No sir.
Q How many children under twenty one years of age and unmarried have you that you want to make application for? A I have just two children.
Q What is the name of the oldest? A Jonnie Evie Marshall is my little girl.
Q How old is she? A Nine years old 28th of January.
Q What is the name of the next? A Lee.
Q A boy? A Yes sir.
Q How old is Lee? A Lee was born 5th of March this year--1902
Q About three weeks old? A Yes sir.
Q You claim for yourself and children, do you? A Yes sir.
Q Is Charlotte D. Marshall the mother of these children?
A Yes sir.
Q And you are the father? A Yes sir.
Q They live with you at your home? A Yes sir.
Q When and where were you married to your wife? A I was married in Red River county, Texas.
Q What date and day of the month? A 30th day of December, 1890.
Q Were you married by a minister and under a license? A Yes sir.
Q Have you the evidence of that marriage with you? A No sir.
Q You can introduce that later? A Yes sir.

Reasonable time will be allowed for that purpose.

- Q Were you ever married before you married your present wife?
A No sir.
Q Was she ever married before her marriage to you? A No sir.
Q Is your name or the name of your daughter Jonnie Evie on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your daughter to the Choctaw tribal authorities in Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for yourself and your daughter Jonnie Evie under the act of Congress of June 10, 1896? A No sir.
Q Have you and your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir, we have not.
Q Do you now come before the Commission for the purpose of identifying yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir

Q Do you understand that article of that treaty? A I don't know that I understand it no more than I look at it this way, those who signed that treaty was to give up the land where they was and come to the nation for a right.

Q Do you have a good understanding of the provisions of the fourteenth article of that treaty? A No sir.

Q You understand what a treaty is? A Yes sir.

It is an agreement or compact in writing made between two or more nations instead of between individuals, and an article is a subdivision of a treaty. Each article treats with a certain part of the general subject in the treaty. The treaty of 1830, sometimes called that treaty of Dancing Rabbit Creek because it was made at a place by that name in Mississippi on the 27th day of September, 1830, was a treaty made for the especial purpose of effecting the removal as far as possible and practicable of all of the Choctaw Indians in the old Choctaw Nation in Mississippi and Alabama from that old nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, under the treaty, and it was demanded by the Choctaw Nation that some provision should be made for those Indians who remained back there in the territory they then occupied before they consented to sign it, and therefore article fourteen was drafted and put into the treaty. That article was made for the especial benefit of those Mississippi Choctaws who remained there at that time back in the old Choctaw Nation. And it is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand the provisions of that article? A Yes sir, I think I do.

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of that article of that treaty? A I couldn't say, I don't know; all that I have proof of we found out that they signed the treaty of 1830.

William H. Marshall, et al.,-----4

- Q Who signed the treaty of 1830? A My people.
- Q That treaty was signed by the representatives of the Choctaw Nation---Do you mean that these people were appointed as representatives of the people to sign that treaty? A I don't know as I exactly understand that.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother's name was Long.
- Q What was her given name? A That is what I will have to do hereafter---they failed to write me her given name.
- Q Did she live in Mississippi----in Mississippi or Alabama? A She was in Mississippi as far back as I can remember; I think her and my grandfather married in Mississippi.
- Q Did she live in Mississippi in 1830? A Yes sir.
- Q Did she have a family of children there at that time? A Yes sir.
- Q In other words, she was the head of a family there in 1830? A Yes sir.
- Q How much Choctaw blood did she have? A That I cannot tell.
- Q What was her husband's name? A His name was J. P. Marshall.
- Q Then Long was her maiden name? A Yes sir, she was slightly related to Greenwood Leflore.
- Q J. P. Marshall the husband of your grandmother was a white man? A Yes sir.
- Q What was his business? A He was county clerk there for twenty four years.
- Q At what place? A Carrollton.
- Q You never did hear how much Choctaw blood his wife, your grandmother, had? A No sir, I couldn't tell you the exact amount.
- Q What proof have you that she lived in Mississippi and had children there in 1830? A My father claimed he was born right there.
- Q How old was he when he died? A He died in 1885 and he was forty nine years old when he died.
- Q Did he have older brothers and sisters? A Yes sir, I think so.
- Q Do you know how much older any of his brothers or sisters were? A No sir, we left there when I was a child.
- Q Can you give the name of any of his brothers or sisters? A Yes sir James Tom Marshall and William Marshall, I believe that is all the brothers.
- Q James Tom Marshall was born where? A He was born there.
- Q How old would James Tom Marshall be if living now? A I couldn't tell you.
- Q The other brother was born where? A He was born there too.
- Q Did your grandmother speak the Choctaw language? A I do not know whether she did or not.
- Q How old would she be if living now? A I don't know as I could give the exact record; she was two years older than my grandfather; she would be about ninety three years old if living now.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know whether they did or not.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A No sir, they did not.

Q In answer to that question, you say they did not do so? A I believe I will just say that I do not know.

Q Did any of your Choctaw ancestors go from the Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838?

A I don't know.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama either under article fourteen of the treaty of 1830, or under the supplement or any other article of that treaty? A I do not know that.

Q Did any of your Choctaw ancestors claim any benefits under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I do not know that.

Q In what way do you claim your grandmother was related to Greenwood Leflore? A I can hardly tell you that---she was nearer connected to the Lovings and Donelys.

Q In what way was she connected with the Lovings? A I think she was a first cousin.

Q Who were the Lovings? A There was Sam Loving.

Q Who was he? A He was a member of the family.

Q Where did he live? A In Mississippi.

Q How was he related to Greenwood Leflore? A I will have to get that proof up later.

Q At the present time you are not able to show how you are related to the family of Greenwood Leflore. A No sir.

The Choctaw Indians who remained in the states of Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi and take land there and become citizens of the states. A great many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register, and as the result of his neglect a great many Choctaw Indians who had land in Mississippi upon which they had improvements lost both their land and improvements, both were taken from them by the government and sold. This caused a great many complaints among the Choctaw Indians so that in 1837 Congress appointed a Commission by act approved ~~Aug~~ March 3, of that year, and this Commission went to Mississippi and heard claimants under article fourteen of the treaty; in 1842, Congress appointed another Commission under an act approved August 23 of that year, and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

William H. Marshall, et al.,-----6

Q Did any of your Choctaw ancestors go before either of those Commissions and claim benefits as Choctaw Indians? A I do not know that either.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, and if it further appeared that he had had his land in Mississippi taken from him by the government and sold at its public land sales, that he should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your Choctaw ancestors received any scrip from the government as Choctaw Indians? A I do not know.

Q Have you any relatives who have been before this Commission before this application made by you seeking to be identified through the same common ancestor? A No sir.

Q Have you any other evidence that you want to introduce now or any witnesses you want to call at the present time? A No sir.

Q Do you want any time in which to present further evidence in this case? A Yes sir, I do.

Reasonable time will be allowed this applicant in which to furnish additional evidence in support of this claim

Q Do you speak or understand the Choctaw language? A No sir I do not.

This applicant has the physical characteristics and appearance of a person descended from white parentage. Ruddy complexion, brown eyes, black hair; he has no knowledge of the Choctaw language and no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 26th day of March, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 27th day of March, 1902.

Clara M. Thellumad
Notary Public.

Miss. Choctaw Assoc

Muskogee, Indian Territory, June 24, 1902.

Benjamin Martin Jr.,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 23,
inclosing the following papers in support of the application for
identification as Mississippi Choctaws of William H. Marshall, et al:

Certified copy of marriage license and certificate between
John P. Marshall and Martha B. Long.

Certified copy of marriage license and certificate between
Stephen T. Marshall and Mary Goza .

Certified copy of marriage license and certificate between
W. H. Marshall and C. D. Ataway.

Affidavits of Bremer Holman, M.A. Wood, W. M. Sorugers and
B. T. Marshall and joint statement of Samuel Hart, W. D. Kimbrough,
W. Ray, J. J. Gee, W. F. Hamilton W. J. Woodell and T. H. Bingham.

The same have been filed with the record in the above named case.

Yours truly,

Miss. Chootaw 5009

Muskogee, Indian Territory, October 21, 1904.

Benjamin Martin Jr.,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 18, inclosing a photograph of a member of the family of W. H. Marshall an applicant for the identification of himself and children as Mississippi Chootaws, which he desires to introduce in evidence in his case. The same has been filed with the record in this case.

Respectfully,

Acting Chairman.

COPY

M.C.R. 5009

Muskogee, Indian Territory, August 5, 1903.

William H. Marshall,
Clarksville, Texas.

Dear Sir:

You are hereby advised that on the 5th day of August, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Samuel B. Long, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel B. Long, et al.	M.C.R. 1631
Lorenzo E. Long, et al.	M.C.R. 1667
Presley Groves, et al.	M.C.R. 2109
Mignon Hutchins, et al.	M.C.R. 2130
Laura Peterson	M.C.R. 2154
Alpha Brantley, et al.	M.C.R. 2131
Iredell C. Groves	M.C.R. 2160
Lillie B. Gilbert, et al.	M.C.R. 2172
Mattie Leflore Johnson, et al.	M.C.R. 2114
Lewis A. Johnson, et al.	M.C.R. 2153
William C. Johnson, et al.	M.C.R. 2162
Mary M. Johnson	M.C.R. 2163
Rufus L. Johnson, Jr.	M.C.R. 2164
Sylvia A. Johnson	M.C.R. 2179
Minnie M. Thompson, et al.	M.C.R. 2180
Allen H. Moss, et al.	M.C.R. 2177
Charles M. Moss, et al.	M.C.R. 2178
Elijah L. Moss, et al.	M.C.R. 2184
Arabula Stokes, et al.	M.C.R. 3651
Solomon Leflore, et al.	M.C.R. 4701
William H. Marshall, et al.	M.C.R. 5009
James T. Marshall, et al.	M.C.R. 6117

William H. Marshall, et al,--2

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel B. Long, Malcolm Long, Doc Ball, Halsey Ball, Percy Ball, Lorenzo S. Long, Olga Long, Matthews Long, Hinds Long, Presley Groves, Myrtle Groves, Mignon Hutchins, Orville Hutchins, Edna Hutchins, Clyde Hutchins, Emmette Hutchins, Frank Hutchins, Louie Hutchins, Jules Hutchins, Josephine Hutchins, Laura Peterson, Alpha Brantley, Colonel Brantley, Lucile Brantley, Elvie Brantley, Iredell C. Groves, Lillie B. Gilbert, Sir Walter Scott, George Darden Scott, John Sherrill Scott, Mattie Leflore Johnson, Rufus Barnett Johnson, Bennie Lewis Johnson, Irene Johnson, Lewis A. Johnson, Horace Johnson, Lewis Johnson, Rufus Johnson, William C. Johnson, Annie C. Johnson, Neva Johnson, Judith Johnson, Cauthen Leadbetter Johnson, William G. Johnson, Mary M. Johnson, Rufus L. Johnson, Jr., Sylvia A. Johnson, Minnie M. Thompson, Claude Thompson, Eunice Thompson, Zella Thompson, Jimmie Thompson, Allen H. Moss, Paul B. Moss, Charles M. Moss, Minnie Moss, Annie May Moss, Elijah L. Moss, Erin Moss, George Moss, Talradge Moss, Kate Emma Moss, Arabula Stokes, Willie Alphonso Stokes, Ossie Ola Stokes, Arra Bertha Stokes, Ada Belle Stokes, Alice Bertie Stokes, Ella May Stokes, Solomon Leflore, Susan Leflore, Mary W. Leflore, Luvertus Leflore, Martha Leflore, William H. Marshall, Jonnie Evie Marshall, Lee Marshall, James T. Marshall, James P. Marshall, Mary E. Marshall, Eva E. Marshall, Johnnie T. Marshall, Clara Marshall and Ida Marshall, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

William H. Marshall, --3

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

I. B. Needles.

Commissioner in Charge.

Registered.

REFER IN REPLY TO THE FOLLOWING:

MCR-5009

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 20, 1907.

William H. Marshall,
Clarksville, Texas.

Dear Sir:-

You are hereby notified that on February 13, 1907, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of August 5, 1903, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of Samuel B. Long et al.

Respectfully,



Commissioner.

MEM



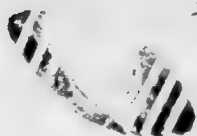
DEPARTMENT OF THE ARMY
Commissioner of the Five Civilized Tribes

FILED

MAILED



Commissioner



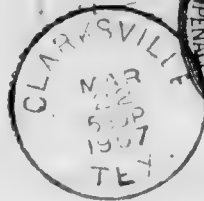
Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCOE, IND. TER.

William I. Marshall,

Clarksville, Texas.



No. 5009

For Identification as a Mississippi Choctaw.

Date

MAR 26, 1902

Name William H. Marshall.

Age ~~33~~ 32 Blood don't know.

Post Office, Clarksville, Tenn.,

Father: A. L. Marshall, d.

Mother: Mary M., " d.

Claims through father
wife.

Charlotte H. " l. w.

No. claim for wife -

Children:

Jonnie ~~Eda~~ Erie " (F.) 9

Lee " (M.) 3 w.

Claims for self &
children

Choctaw MCR 5010

Florence McKee

See MCR 4514

MCR 5010

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 27, 1902.

#5010.

In the matter of the application of Florence McKee for the identification of herself and her six minor children, Ella, George, Laura, Eddie, Oliver and Mandy McKee, as Mississippi Choctaws.

(Applicant not represented by attorney).

Florence McKee, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Florence McKee.
Q What is your age? A Thirty two.
Q What is your post office address? A Ego, Indian Territory.
Q How long have you lived at Ego? A Lived there just a short time.
Q Where did you live before that? A In Chickasaw.
Q How long did you live there? A Six years.
Q How long have you lived in Indian Territory? A Seven years.
Q Where did you live before you came to the territory?
A Texas.
Q Were you born in Texas? A Yes sir.
Q And always lived there until you came to the territory?
A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A George W. Fletcher.
Q What is your mother's name? A Susan Fletcher.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A No sir.
Q Have you the proof of the marriage of your father and mother with you? A Yes sir.
Q Do you want to introduce this affidavit of G. W. Geurin in support of the statement of the marriage of your father George W. Fletcher and Susan Fletcher, formerly Susan Geurin? A Yes, I do.

Affidavit of G. W. Geurin presented by applicant, received, filed, marked Exhibit A and made a part of the record in this case.

- Q Why do you now present the marriage license and certificate of the marriage of your father and mother? A Couldn't get it, the court house was burned.

Florence McKee, et al.,-----2

- Q And this is the best evidence you can introduce now? A Yes sir.
- Q The records were destroyed in that fire? A Yes sir.
- Q Do you know when your father was married to his wife Susan?
- A No sir.
- Q You don't remember the date any farther than is stated in this affidavit? A No sir.
- Q Are you married? A Yes sir.
- Q Is your husband Living? A Yes sir.
- Q Is he a white man or an Indian? A White man
- Q What is his name? A Jim McKee
- Q Do you make application for him? A No sir.
- Q Have you any children under age and unmarried that you want to make application for? A Yes sir, six.
- Q What is the name of the oldest? A Ella.
- Q How old is Ella? A Eleven years old.
- Q Next? A George.
- Q How old is George? A Nine.
- Q Next? A Laura.
- Q How old is Laura? A Seven.
- Q Next? A Eddie.
- Q How old is Eddie? A Five.
- Q Next? A Oliver.
- Q How old is Oliver? A Two.
- Q Next? A Mandy?
- Q Is that Amanda or Mandy? A We just call her Mandy.
- Q How old is Mandy? A Three months old.
- Q You make claim for yourself and children? A Yes sir.
- Q Is Jim McKee the father of these children? A Yes sir.
- Q Was he ever married before he married you? A No sir.
- Q Were you ever married before you married him? A No sir.
- Q Are these children all living with you at your home? A Yes sir.
- Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory?
- A No sir.
- Q Have you ever made application before this time for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A Yes sir.
- Q When did you make application to the Choctaw tribal authorities---Did you ever make application previous to 1896 or any one for you? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Did any one make any application for you at that time or for your children? A My father made application.
- Q He didn't make application for you at that time, did he?
- A No sir.
- Q There has never been any application made by you to either the Choctaw tribal authorities or the United States authorities?
- A No sir.
- Q Or for your children? A No sir.

Florence McKee, et al.,-----3

Q This is the first application of any kind that you have ever made for yourself or children or any one for you? A Yes sir.

Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A No sir.

Q Do you know what a treaty is? A No sir.

Q Do you know what a contract in writing is made between people? A Yes sir.

Sometimes these contracts are made in writing and are signed by the people who are parties to the contract. If the contract is made in writing and signed by the representatives of two or more governments, it would be called a treaty. Such a treaty as that was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September, 1830; and the treaty is sometimes called the treaty of Dancing Rabbit Creek. The object of that treaty was the removal as far as practicable of all of the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation in Indian Territory. But before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory under the treaty and in order to protect their interests article fourteen was put into the treaty of 1830. An article in a treaty is one of the subdivisions of it. That article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever removed are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article now well enough to claim under it? A Yes sir.

Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Jim Fletcher.

Q Did he have a title---was he a judge, or minister, or what was he? A Captain.

Florence McKee, et al.,-----4.

Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of that article of that treaty?
A I don't know.
Q What relation was Captain Jim Fletcher to you, any at all?
A Yes sir.
Q Well, what relation? A I don't know.
Q How do you know he was related to you? A I had a grandfather Jim Fletcher.
Q Was Captain Jim Fletcher your grandfather? A No sir.
Q Well, what relation was he? A I don't know.
Q What proof have you that Captain Jim Fletcher was any kin of yours? A I don't know.
Q Did you ever hear that he was? A Yes sir.
Q How do you happen to give his name as your ancestor? A My father told me.
Q But you cannot tell what relation he was? A I can tell what relation Captain Jim Fletcher was.
Q Well, that is what I am asking you,---what relation was he?
A I say I can't tell.
Q How much Choctaw blood did he have? A A full blood, I guess
Q Do you know? A No sir.
Q What makes you guess he was? A Because he moved from Mississippi here.
Q A good many Indians moved from Mississippi out here that were not full bloods--that has nothing to do with the blood---
Do you know what is meant by a full blood Indian? A No sir.
Q Did Captain Jim Fletcher or any ancestor of yours live in Mississippi in the year 1830 and have a family there at that time? A I don't know.
Q Do you know whether Captain Jim Fletcher was the head of a family in Mississippi in 1830? A I don't know.
Q Did Captain Jim Fletcher ever live in the state of Mississippi or Alabama in the old Choctaw Nation? A I don't know.
Q Did you ever hear in the family? A Yes sir.
Q Then you have heard that he did? A Yes sir.
Q Have you heard that he lived in Mississippi in the year 1830?
A No sir, I never heard that.
Q How old would he be if living now? A I don't know.
Q You claim through your father? A Yes sir.
Q He has made application to be identified as a Mississippi Choctaw? A Yes sir.
Q Has a brother of yours made application too? A Yes sir.
Q What is your brother's name? A Thomas J. Fletcher.
Q And has a sister of yours made application? A Yes, Arris Rogers.

(Reference is made to the application of George W. Fletcher et al., M C R 4514)

Q Would you like to have the testimony of all of your relatives who have appeared here considered with yours? A Yes sir.
Q How old is your father? A Right at sixty, I couldn't tell you exactly.
Q Your father claimed through which parent? A His mother, Elizabeth.
Q What was her maiden name? A Elizabeth Hoggard.
Q She claimed through which parent? A Her mother, I reckon.
Q What was her mother's name? A I don't know.

Q Did Elizabeth Hoggard live in Mississippi or Alabama? A I don't know.

Q Do you know whether her mother did? A No sir, I do not.

Q Can you trace your ancestry back farther than the mother of Elizabeth Hoggard? A No sir.

Q You are not able to show your descent back to either Captain Jim Fletcher or to any Choctaw ancestor who lived in the state of Mississippi or Alabama----How do you know you had a Choctaw ancestor who had Choctaw blood and who lived in Mississippi?

A Just heard it.

Q Just heard it in the family? A Yes sir.

Q But you don't know much about it yourself, do you? A No sir

Q You depend upon somebody else proving your case for you?

A Yes sir.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, in Indian Territory, with the other Indians between 1833 and 1838?

A I don't know.

Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama in the old Choctaw Nation either under article fourteen of the treaty of 1830, or under any other article of that treaty or under the supplement? A I don't know

Q Did any of your Choctaw ancestors receive or claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I don't know.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of that treaty and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's Register. His failure to do so caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose both their land and improvements; both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians so that in 1837, by an act of Congress approved March 3 of that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 Congress appointed another Commission under an act approved August 23 of that year, and this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

Q Did any of your Choctaw ancestors go before either of these

Florence McKee, et al.,-----6

Commissions and claim benefits under article fourteen of the treaty of 1830? A I don't know.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indians proved his claim under article fourteen of the treaty, and it was further shown that he had formerly had land taken from him by the government and sold at its public land sales, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A I don't know.

Q Do you know whether any of your Choctaw ancestors, Captain Jim Fletcher or any other, ever received any benefits as Choctaw Indians? A I don't know.

Q Were they ever placed upon any roll or list as beneficiaries under article fourteen or under any other article of the treaty of 1830? A No sir.

Q You never heard anything about that? A I have heard my father talk about it.

Q What have you heard your father say? A I can't tell anything about it now.

Q Have you any other evidence or proof that you want to introduce at this time? A Yes sir.

Ex parte affidavit of J. D. Guerin presented by applicant received, filed, marked Exhibit B and made a part of the record in this case.

Certified copy of marriage license and certificate of James McKee and Florence Fletcher presented by applicant, received filed, marked Exhibit C and made a part of the record in this case.

Q Have you any witnesses that you want to introduce? A Yes sir.

Q What witness have you that you want to call? A Viney King.

Q Is there anything more you want to say in support of your claim? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. She has medium dark complexion, gray eyes, brown hair; she does not understand the Choctaw language and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

H. C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five

Florence McKee, et al.,-----

Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 28th day of March, 1902, and that the above and foregoing is a full true and correct transcript of his stenographic notes of said proceedings on said date.

H. Risteen

Subscribed and sworn to before me this 28th day of March, 1902.

Clara Mitchell Wood

Notary Public.

Mississippi Choctaw
4516, 4516, 4517,
4518, 5001, 5010.

Muskogee, Indian Territory, May 6, 1902.

Thomas J. Fletcher,

Chagris, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 2, inclosing the following evidence for filing in support of applications for identification as Mississippi Choctaws:

Six affidavits each of Patsy Poff, William Hoggard and L. V. Wright to be filed in support of the applications of Susan Fletcher, Mary E. McKee, et al., Nancy Fletcher, Thomas J. Fletcher, et al., Arrie Rogers et al., Florence McKee, et al. for identification as Mississippi Choctaws, and the same have been filed with and made a part of the records in the above named cases.

You are advised that the Commission cannot take up and pass upon the sufficiency of the evidence offered in support of applications until the same are reached for consideration and determination.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 5010

Maskogee, Indian Territory, February 11, 1903.

Florence McKee,

Ego, Indian Territory.

Dear Madam:

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of George W. Fletcher, et al., embracing the following applications for identification as Mississippi Choctaws:

George W. Fletcher, et al.,	M.C.R. 4514
Thomas J. Fletcher, et al.,	M.C.R. 4516
Mary E. McKee, et al.,	M.C.R. 4518
Florence McKee, et al.,	M.C.R. 5010
Arrie Rogers, et al.,	M.C.R. 5001
Nancy Fletcher,	M.C.R. 4517
Susan Fletcher,	M.C.R. 4518
Nancy Leonard, et al.,	M.C.R. 5244
Annie Skellenger, et al.,	M.C.R. 5517
Margaret Partain, et al.,	M.C.R. 5518
Frank Leonard,	M.C.R. 5608
Othelia Taylor, et al.,	M.C.R. 5519
Johnnie Hatten, et al.,	M.C.R. 5521
Leora Blackman, et al.,	M.C.R. 5522
Eddie Harris, et al.,	M.C.R. 5523
John Perry Linney, et al.,	M.C.R. 5504
Louisa Lane, et al.,	M.C.R. 5245

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United

Florence McKee, -2

States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of George W. Fletcher, Leonie Fletcher, Clara Fletcher, Thomas J. Fletcher, Susan Fletcher, Maggie Fletcher, Amanda Fletcher, Jasper T. Fletcher, Clara Fletcher (2), Mary E. McKee, Willie M. McKee, James A. McKee, Clara I. McKee, George W. McKee, Barbara McKee, Florence McKee, Ella McKee, George McKee, Laura McKee, Eddie McKee, Oliver McKee, Mandy McKee, Arrie Rogers, Gertie Rogers, Arthur M. Rogers, Carrie Rogers, Nancy Fletcher, Susan Fletcher, Nancy Leonard, William Leonard, Joseph Leonard, Charles Leonard, Annie Leonard, Annie Skellenger, George Skellenger, Emory Skellenger, Margaret Partain, Myrtel Partain, Jimmie Partain, Alonso Partain, Frank Leonard, Othelia Taylor, Oelathia Taylor, Johnnie Hatton, Pearl Hatton, William Hatton, Coke Hatton, George Edward Hatton, Leora Blackman, Johnnie Blackman, Jimmie Blackman, Altha Blackman, Mabry Blackman, Albert Blackman, Eddie Harris, Dora Harris, John Perry Linney, Stella Linney, Myrtle May Linney, Louisa Lane, Joseph Lane, Jesse Lane and Lemmon Lane as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 5010

COPY:

Muskogee, Indian Territory, August 8, 1903.

Florence McKee,

Ego, Indian Territory.

Dear Madam:

You are hereby notified that on the 28th day of July, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of George W. Fletcher, et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,

E. J. McLaughlin
Commissioner in Charge.

No. 5010

For Identification as a Mississippi Choctaw.

Date

MAR 2 1912

Name Flornie Mc Kee.

Age 32 - Blood 1/16

Post Office, Ego. I. T.

Father: George W. Fletcher, l.

Mother: Susan " l.

Claims through father
Husband

Jim Mc Kee, l.w.

No claim for husband.

Children:

Ella Mc Kee, 11

George " 9

Laura " 7

Eddie " 5

Oliver " 2

Mandy " 3 m

Claims for self &
children -

Stenographer H. C. Resum

Choctaw MCR 5011

Minnie P. Dumas

See MCR 4006

MCR 5011

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 27th, 1902.

5011.

In the matter of the application of Minnie P. Dumas for identification as a Mississippi Choctaw.

(J.G.Ralls, attorney for applicant)

Minnie P. Dumas, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Minnie P. Dumas.
Q What is your age? A Twenty four years.
Q What is your past office address? A Fresno, California.
Q How long have you lived there? A About fifteen years I think.
Q Where did you live before that? A In Texas, I was born there.
Q Where in Texas were you born? A Lampasas County.
Q You lived in Texas at what place most of the time? A I lived there until I was about two or three years old and then moved to Therpe Springs, Hood county.
Q Is your father living? A Yes sir.
Q And your mother, is she living? A Yes sir.
Q What is your father's name? A John W. Dumas.
Q What is your mother's name? A Sarah E. Dumas.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One thirty-second.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I think not.
Q You are not married? A No sir.
Q You just make application for yourself? A For myself only.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
Q Have you ever made application to the Choctaw tribal authorities in Indian Territory for citizenship in the Choctaw Nation? A No.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in

Minnie F. Dumas-----2

Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A I do.

Q Do you understand that article of that treaty? A I think I do.

Q You do not care for a further explanation of it? A No sir.

Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q What is the name of your ancestor through whom you claim your right to identification as a Mississippi Choctaw?

A Elizabeth Brashears.

Q Was that her maiden name? A That was her maiden name.

Q Who did she marry? A E. W. Dumas.

Q Was he a white man? A Yes.

Q How much Choctaw blood did Elizabeth Dumas have? A One fourth.

Q Did she live in Mississippi or Alabama in the year 1830?

A I don't know.

Q You don't know whether she was the head of a family there at that time in the old Choctaw Nation? A I believe she was, I understand that.

Q You get that from family history and tradition? A Yes.

Q Do you know anything about her family in 1830 how many children she had or who they were? A No.

Q How old would she be if living now? A I don't know.

Q You never heard the date of her birth or the year? A No.

Q Do you know when or where she died? A She died in Fayette Alabama in 1835/

Q You claim through your father John W. Dumas? A Yes sir.

Q He claims through his father or mother? A Through J. D. Dumas, his father.

Q Did your father ever live in Mississippi? A Yes.

Q Was he born in Mississippi? A No.

Q But removed there afterwards? A Yes.

Q Where was he born? A Fayette Alabama, September 18, 1847

Minnie P. Dumas-----3

- Q He claims through his father--was his father ever a resident of Mississippi or Alabama? A Yes.
- Q He is now dead, your grandfather? A Yes, he is dead.
- Q Do you know where he died and when? A He died in 1884, I don't know where he died.
- Q Do you know how old he was when he died? A I have the record with me of his birth; he was sixty nine I believe when he died.
- Q He claimed through which parent, father or mother? A Through his mother.
- Q Elizabeth Dumas? A Yes.
- Q Did Elizabeth Dumas' son live with her in Mississippi in 1830, do you know? A I don't know; he lived there.
- Q Do you know whether he lived there in 1830? A I believe he did.
- Q Is that a matter of family history and tradition with you? A Yes.
- Q Did her son, your grandfather, have a family there in Mississippi at that time--Did you ever hear that he did? A I don't remember.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent and tell him they wanted to stay in Mississippi, take land there and become citizens of the states? A I understand they did.
- Q What did you understand about that; who did you understand went to Colonel Ward? A Elizabeth Brashears or her husband for her, E. W. Dumas.
- Q Is this a matter of family history and tradition? A Yes.
- Q Do you remember anything else in reference to his action at that time? A I remember that he was not given what he applied for.
- Q In other words you understand that Colonel Ward refused to make a record of his application at that time? A Yes.
- Q From whom do you get that information particularly? A Through my relatives who are living here at Sherman and Denison Texas.
- Q Can you name any of them? A Daniel H. Dumas and Susan B. Hamdricks.
- Q A great many of your relatives have made application? A Yes.
- Q And you do not recall the names of them all? A No.
- Q Would you like to have their testimony considered with yours in order that all who claim through the same common ancestor may be considered together? A I would.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I think not.
- Q Did they own or claim any land in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I think not.
- Q Did they own or claim any land or any benefits of any kind under any other treaty made between the United States government and the Choctaw Nation other than the treaty of 1830? A I don't know.

The Choctaw Indians who remained in the old Choctaw Nation

in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of the treaty to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of that treaty and signify to him their intention to remain in Mississippi, take land there and become citizens of the United States. A great many Choctaw Indians did that whose names Colonel Ward refused to place upon his register and his neglect to make a proper registration of all claimants under that article caused a great many Indians who held land in Mississippi and Alabama upon which they had improvements to lose both their land and improvements upon it, for both were taken by the government and sold at its public land sales. This caused so many complaints among the Indians, especially among those who lost their land, that Congress in 1837, by an act approved March 3 of that year, appointed a Commission and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, another Commission was appointed by Congress for the same purpose by an act approved August 23 of that year, and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your ancestors go before either of those two Commissions and claim benefits under article fourteen of that treaty? A I don't know.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it was also shown that he had land in Mississippi taken from him by the government and sold, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from Vacant government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the government? A I think not.

Q Have you any evidence you want to introduce in support of your application at this time? A No.

Q Do you care for any time in which to introduce further testimony? A Yes.

Reasonable time will be allowed this applicant in which to introduce further testimony in this case.

Q You do not speak Choctaw? A No.

This applicant has the appearance and physical characteristics of being descended from white parentage; fair complexion, blue eyes, light hair. She does not speak the Choctaw language, and has no knowledge of any compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830 except that it is a matter of

Minnie P. Dumas-----5

family history and tradition that her ancestor, Elisabeth Dumas, either in person or through her husband, a white man, went to Colonel Ward to register and ~~was~~ was refused.

H.C. Risteen, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 27th day of March, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H.C. Risteen

Subscribed and sworn to before me this 28th day of March 1902,

Charles Mitchell Ward

Notary Public.

Miss. Choctaw
8011,8012,4006.

Muskogee, Indian Territory, April 23, 1902.

J. G. Ralla,

Attorney at Law,

Atoka, Indian Territory,

Dear sir:

Receipt is hereby acknowledged of your letter of April 21, giving the last case in which you have copy of the testimony of the applicants claiming through the preachers, and asking to be supplied with copies of the testimony of such other persons as have applied, and also a copy of the evidence of the last negro who appeared as a witness in the case of Scott S. Dumas, et al.

In compliance with your request there are inclosed you herewith copies of the testimony of John W. Dumas and Minnie P. Dumas in their respective applications for identification as Mississippi Choctaws, and copy of the testimony of Peter Bird in the case of Scott S. Dumas, et al., taken at Muskogee, Indian Territory, April 8, 1902, together with receipts therefor, which please sign and return to this office.

Yours truly,

COPY.

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5011.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Minnie P. Dumas,
Breano, California.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4528
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Crenger, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3508
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Lehard Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vandy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcellus Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Audin May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lulu K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Mema Terry, Dumas Terry, Millie Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Madie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Grenon A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Amnon Wood, Willie A. Wood, Lesbe B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shupp, Ruby B. Shupp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jolie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglas Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jamie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Emma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenora W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Ona Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Mammie P. Dumas, Mauda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinky Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belya Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missioniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(C. D.)

Chairman.

Registered.

MCR 5011

COPY.

Muskogee, Indian Territory, January 22, 1906.

Minnie P. Dumas,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for your identification as a Mississippi Choctaw, is a part.

Respectfully,

Commissioner.

Received of the Commission to the Five Civilized Tribes one
copy of the testimony of Minnie p. Dumas in the matter of her applica-
tion for identification as a Mississippi Choctaw, M.C. 5011.

J. G. Ralls

Dated at Muskogee, Ind. Ter.

this APR 29 1907

No. 5011

For Identification as a Mississippi Choctaw.

Date MAR 27 1902

Name Minnie P. Thomas.

Age 24 - Blood 1/32

Post Office, Fresno, California.

Father: John W. Thomas. l.

Mother: Sarah E. .. l.

Claims through father

Children:

Claims for
self alone

Choctaw MCR 5012

John W. Dumas

See MCR 4006

MCR 5012

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 27th, 1902.

5012.

In the matter of the application of John W. Dumas for identification as a Mississippi Choctaw.

J. G. Ralls, attorney for applicant.

John W. Dumas, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A John W. Dumas.
Q What is your age? A I am fifty five.
Q What is your post office address? A Fresno, California.
Q How long have you lived there? A About fifteen years.
Q Where were you born? A I was born at Fayette, Alabama.
Q In what year? 1847? A Yes sir.
Q How long did you live there? A I didn't live there long, we came to Texas when I was quite a small boy.
Q Did you move from Texas to California? A No, we went from Fayette Alabama to Mississippi.
Q You lived in Mississippi how long? A Not long; my father went from there to Georgia and came from Georgia to Texas; I suppose I must have been about seven or eight years old when I reached Texas.
Q And you lived there until you went to California? A Yes, well I lived in Maysville, Arkansas, about four years.
Q Is your mother living? A No sir.
Q Is your father living? A No sir.
Q Through which parent do you claim Choctaw blood? A My father.
Q What was your father's name? A J. D. Dumas.
Q What was your mother's name? A Elizabeth Berry.
Q That was her maiden name? A Yes.
Q How much Choctaw blood do you claim to have? A One sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
Q Have you the proof of the marriage of your father and mother with you? A Nothing more than the old record; the records were burned.
Q Where and when were they married? A They were married in Fayette, Alabama.
Q What day of the month and year? A I have got the old record but I cannot tell you.
Q You can introduce that evidence later? A Yes sir.

John W. Dumas-----2

Reasonable time will be allowed for that purpose.

Q You are married? A Yes sir.

Q Your wife is living? A Yes sir.

Q Is she a Choctaw Indian or a white woman? A She is a white woman.

Q What is her name? A Sallie E. Dumas.

Q Do you make any claim for her? A No sir.

Q Have you any children under twenty one years of age and unmarried that you want to make application for? A No sir.

Q You make application just for yourself? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir, I think not.

Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory?

A No sir.

Q Did you ever make application to be enrolled as a member of the Choctaw tribe of Indians to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted into the Choctaw Nation as a citizen by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q Is it your purpose now in coming before the Commission and making this application to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that article of that treaty? A Yes sir.

Q You have heard it read and explained? A Yes sir.

Q You understand it then without any explanation do you? A Yes sir.

Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

John W. Dumas-----3

- Q What is the name of your ancestor through whom you claim your right to be identified? A Elizabeth Brashears and E. W. Dumas
- Q E. W. Dumas was her husband? A Yes sir.
- Q Did she ever live in Mississippi? A Yes sir.
- Q Did she have a family of children in Mississippi in 1830? A I couldn't tell you.
- Q Do you know whether she lived there in 1830? A I think she lived there then.
- Q Did you ever hear that she was the head of a family in Mississippi at any time? A Yes sir.
- Q But you do not know whether she was in 1830 or not? A Yes sir. I think she lived in Alabama.
- Q Do you know in what part of Alabama? A Yes sir, she lived in Fayette, Alabama.
- Q Is that in the old Choctaw Nation? A Yes sir.
- Q Did she live there in 1830? A I think she did.
- Q Was she the head of a family there at that time? A Yes sir
- Q Then your recollection is that she was married and the head head of a family in the old Choctaw Nation in the state of Alabama in 1830? A Yes sir.
- Q What was her husband's occupation? A Farmer.
- Q He was a white man? A Yes sir.
- Q How old would she be if living now? A I couldn't tell you just now, I have the old record.
- Q Did she speak the Choctaw language? A No sir, I don't think so.
- Q Did she have a Choctaw Indian name? A No sir, unless Brashears is a Choctaw name.
- Q You claim through your father? A Yes sir.
- Q Did he ever live in Mississippi? A Yes sir.
- Q Where was he born? A He was born in Mississippi, I guess.
- Q How old would he be if living now? A He would be about one hundred and one years old.
- Q Don't you know whether he had a family in Mississippi or Alabama in 1830? A I think he had; I wouldn't be positive about that; I came to Texas when I was about eight years old.
- Q Where did your father live during his lifetime? A He lived in Alabama, Mississippi, Georgia, in Texas and Arkansas. He died in Arkansas.
- Q He moved about? A Yes sir.
- Q Do you know how long he lived in Mississippi? A No sir, I don't.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830. A I think they went to try to make their application and were refused.
- Q Who did they go to? A Colonel Ward.
- Q Who was he? A United States Agent.
- Q Did any of your ancestors go to Colonel Ward within six months after the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi take land there and become citizens of the United States? A I think they did and were refused
- Q Do you know who it was went to Colonel Ward? A E. W. Dumas and Elizabeth Brashears.

John W. Dumas-----4

Q E. W. Dumas was a white man? A Yes sir.

Q Did you understand that he went to Colonel Ward on behalf of his wife? A Yes, they went together.

Q He was a white man? A Well she went there and he went with her.

Q What evidence have you of that fact. A We have some evidence which has been introduced here and we hope to substantiate these facts.

Q So far it is a matter of family history? A Yes sir.

Q Did any of your Choctaw ancestors leave that old Choctaw Nation and go to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 and 1840? A No sir, not that I know of.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw Nation either under article fourteen or under any other article of that treaty or under the supplement of it? A No sir.

Q Did any of your ancestors claim any benefits under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A Not that I know of.

In 1837, by act of Congress approved March 3 of that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, under an act approved August 23 of that year Congress appointed another Commission for the same purpose and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. The reason why these two different Commissions were appointed was because a great many Choctaw Indians who lived in the old Choctaw Nation claimed that they within six months after the ratification of the treaty of 1830 had gone to Colonel Ward and told him they wanted to stay in Mississippi and take land there and become citizens of the United States, but that he had failed to put their names upon his list known as Ward's Register. His neglect to do this caused a great many Indians who had land in Mississippi to lose their land and their improvements upon it for the government took both from them and sold them at its public land sales. On account of complaints made these two different Commissions were appointed.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians? A They went before the Indian Agent.

Q That was in 1831? A Yes sir, they didn't go before these Commissions that I know of.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they claimed they had formerly held in Mississippi and which the government had taken away from them and sold? A No sir.

This scrip was issued under act of Congress approved August 23, 1842.

Q You don't think they received any? A No sir, my father

John W. Dumas-----5

went north and bought a lot of sheep in 1859, and he stopped over here in the Nation and he got acquainted with an old man by name of Wallace Leflore, and he told him he had a right in the Nation and Leflore afterwards came to my father's house where we lived and told him we had a right in the nation.

Q That was where? A In Sherman, Texas.

Q Have you any relatives who have made applications here before the Commission as Mississippi Choctaws? A Yes sir.

Dan H. Dumas----

Q What relation is he to you? A Own cousin.

Q And a great many others? A Yes sir.

Q Would you like to have the testimony given by these several applicants and that given by yourself in your application considered together where they all claim through the same common ancestor? A Yes sir.

Q Have you any evidence you want to introduce further in support of this application? A Not right at present.

Q You would like time in which to introduce it? A Yes sir.

Reasonable time will be allowed this applicant in which to introduce further testimony.

Q Do you speak or understand the Choctaw language? A No sir, I used to talk a little of it a long time ago that I picked up in the Choctaw Nation.

Q Is there anything more you would like to say in support of your claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. Ruddy complexion, blue eyes, light hair and moustache. He has no knowledge of the Choctaw language. It is a matter of family history that his ancestor Elizabeth Dumas made application to Colonel Ward, United States Indian Agent, within six months after the ratification of the treaty of 1830 and was refused. He has no further proof of this fact except as a matter of family history and tradition.

H. C. Risteeh, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 27th day of March, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date

Subscribed and sworn to before me this 28th day of March, 1902.

H. C. Risteeh
Chas. Mitchell Wood
Notary Public

Miss. Choctaw
5011, 5012, 4006.

Muskogee, Indian Territory, April 23, 1902.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear sir:

Receipt is hereby acknowledged of your letter of April 21, giving the last case in which you have copy of the testimony of the applicants claiming through the preachers, and asking to be supplied with copies of the testimony of such other persons as have applied, and also a copy of the evidence of the last negro who appeared as a witness in the case of Scott S. Dumas, et al.

In compliance with your request there are inclosed you herewith copies of the testimony of John W. Dumas and Minnie P. Dumas in their respective applications for identification as Mississippi Choctaws, and copy of the testimony of Peter Bird in the case of Scott S. Dumas, et al., taken at Muskogee, Indian Territory, April 8, 1902, together with receipts therefor, which please sign and return to this office.

Yours truly,

COPY.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5012.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MURKOGEE, INDIAN TERRITORY, May 15, 1903

John W. Dumas,

Fresno, California.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollie,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
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Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Crenger, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
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Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Welis,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missioniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Dorelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malt Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles L. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcellus Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Duman, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lulu K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Ebert Palmer, Maud Terry, Moma Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Gennin A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Farris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Annon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Diekey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rabie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Monnie P. Dumas, Mauida Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maud Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamom Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

J. P. COO.

Chairman.

Registered.

MCR-5012

COPY.

Muskogee, Indian Territory. January 22, 1906.

John W. Dumas,
Fresno, California.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 1, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 18, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott L. Dumas, et al., of which, the application for your identification as a Mississippi Choctaw is a part.

Respectfully,

Commissioner.

Received of the Commission to the Five Civilized Tribes one copy of the testimony of John W. Dumas in the matter of his application for identification as a Mississippi Choctaw, M.C. 5012.

J. G. Ralls

Dated at Muskogee, Ind. Ter.

this APR 29 1902

Identification as a Mississippi Choctaw.

Date

MAR 21 1902

Name John W. Dumas

Age 55 — Blood 1/16

Post Office, Fresno, Cal. —

Father: J. W. Dumas, d.

Mother: Elizabeth .. d.

Claims through father,
wife Sarah

Sallie E. Dumas; l. w.

No claim for wife.

~~Children:~~

Claims for self
alone

Stenographer

A. C. Rescan

Choctaw MCR 5013

Della Newton

See MCR 65

MCR 5013

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.


In the matter of the application of Della Newton for enrollment of herself and her two minor children as citizens by blood of the Choctaw Nation.

The applicant, Della Newton, appeared before the Commission at Colbert, Indian Territory, June 15th, 1900 and from her oral testimony given at that time on behalf of her claim for enrollment of herself and two minor children as citizens by blood of the Choctaw Nation.

It appears from the evidence in this case that the applicants have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of this Commission.

The application for enrollment as citizens by blood of the Choctaw Nation of Della Newton and her minor children, George and Bertha Newton, is therefore hereby refused.

BY THE COMMISSION.



Acting Chairman.

Muskogee, Indian Territory, Sept 5th, 1900.

7-12606

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 15, 1900.

In the matter of the application of Della Newton for herself and children for enrollment as Choctaws by blood; being sworn and examined by Acting Chairman Nixby she testifies as follows:

- Q What is your name? A Della Newton.
- Q What is your age? A Twenty.
- Q What is your post-office address? A Ego, Indian Territory.
- Q How long have you lived in the Indian Territory? A Seven years.
- Q Where did you live before you moved to the Indian Territory?
- A Lived in Texas.
- Q Were you born in Texas? A No sir, I was born in Tennessee.
- Q Did you ever live in Mississippi? A No sir.
- Q What is the name of your father? A John Penny.
- Q Is he living? A Yes sir.
- Q Is he a Choctaw Indian? A Yes sir.
- Q What proportion of Choctaw blood does he claim to have? A A quarter.
- Q Has his name ever been on the rolls of the Choctaw Nation?
- A No sir, not that I know of.
- Q Has he ever been recognized by the Tribal authorities as a Choctaw Indian? A Not as I know of.
- Q What is the name of your mother? A Bettie Alley before she was married.
- Q Is she living? A Yes sir.
- Q Is she a white woman? A Yes sir.
- Q What proportion of Choctaw Indian blood do you claim to have?
- A One-eighth.
- Q Has your name ever been on the Tribal rolls? A No sir.
- Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No sir.
- Q Did you ever apply to the Choctaw authorities for enrollment as a Choctaw Indian? A No sir.
- Q Did you apply to the Dawes Commission in 1896? A Yes sir.
- Q Four years ago? A Yes sir.
- Q In what case did you make application, do you remember the title of the case? A The old Treaty.
- (Mr. Penny, father of the applicant, is asked if he applied to the Dawes Commission in 1896, and answered no, and says he thinks his daughter, the applicant on the stand, misunderstood)
- Q What makes you think you made application to the Dawes Commission four years ago? A I don't know; we put in four years ago.
- Q It never got before the Commission though did it? A No sir.
- Q Did you apply to this Commission a year ago? A No sir.
- Q Is this your first application since the one you made to the Dawes Commission in 1896 that wasn't perfected? A Yes sir.
- Q You claim now to be a Mississippi Choctaw? A Mississippi Choctaw by blood.
- Q The status of those who claim as Choctaws by blood and those who claim as Mississippi Choctaws is different; I would like to know whether you claim as a straight Choctaw by blood or whether you claim as a Mississippi Choctaw; of course when you claim to be a Mississippi Choctaw you claim through your blood, but the claim is based on different grounds, now I would like to know which way you claim? A I claim Mississippi Choctaw by blood.
- Q Do you wish to be identified as a Mississippi Choctaw? A No sir.
- Q Are you claiming under the provisions of the law of June 28th 1898 as a Mississippi Choctaw, or do you claim simply as a Choctaw by blood? A Choctaw by blood.
- Q Are you married? A Yes sir.
- Q What is the name of your husband? A William Newton.

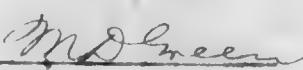

Della Newton #2

- Q You don't claim any rights for him? A No sir.
Q Where did you marry him? A In Texas.
Q When? About years ago.
Q Have you your marriage license and certificate with you?
A No sir.
Q You don't wish to offer that in evidence? A No sir.
Q Have you any children? A Yes sir.
Q What are their names and ages? A George Newton; two; Bertha, Newton, eight months.
Q These children are both living with you? A Yes sir.
Q Is there any additional statement that you would like to make at this time in regard to your case? A No sir.
Q Have you any papers you would like to file with the Commission?
A Yes sir.
Affidavit of Della Newton, offered in evidence and placed on file, Exhibit "A".)

The enrollment of yourself and your children is refused, for the reason that neither your name nor the names of your child appears upon the rolls of the Choctaw Nation now in the possession of this Commission, and for the additional reason that it appears from the testimony in this case and the records in our possession that neither of you have ever been recognized by the Tribal authorities of the Choctaw Nation as Indians by blood, and neither you nor your child were admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the law of June 10th, 1896, or by a judgment of the United States Court in the Indian Territory.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above and foregoing is a full true and complete transcript of his stenographic notes taken in said case.

Subscribed and sworn to before me this 24 day of June 1900.

M.D. Green


Act'g Chairman.

Muskogee, Indian Territory, September 31, 1900.

Della Newton,

Ego, Indian Territory.

Dear Madam:-

The Commission is in receipt of your letter of the 18th inst., in which you request that the records in your case as an applicant for enrollment for yourself and your two minor children as citizens by blood of the Choctaw Nation be forwarded to the Secretary of the Interior.

The same has been filed with the other papers in this case, and the records so made will be transmitted to the Secretary of the Interior for his consideration when the final rolls of the citizens of the Choctaw Nation are sent to him for approval.

Yours truly,

Acting Chairman.

7-B-606

Muskogee, Indian Territory, April 13, 1901.

Mr. W. T. Sisson,

Muskogee, Indian Territory.

Dear Sir:

Your letter of March 24, 1901, written to the Honorable Secretary of the Interior, making inquiry as to the citizenship of John Penry and that of his married daughter, Della Newton and her minor children-George and Bertha Newton, has been referred to the Commission for appropriate reply.

You are informed that John R. Penry, 41 years of age, appeared before the Commission at Durant, Indian Territory, in August, 1899, and there made application for enrollment as a citizen of the Choctaw Nation. It appears from the examination made of the records in the possession of the Commission at that time, and the evidence in the case, that his name had never been on the tribal rolls of the Choctaw Nation, nor had he ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of said Nation or by this Commission, acting under the Act of Congress of June 10, 1896, or by the United States Court in Indian Territory on appeal. Therefore, the application of John R. Penry for enrollment as a citizen of the Choctaw Nation was refused.

The name of John R. Penry also appears on the records of the Commission on Mississippi Choctaw Card, Field No. B-45. It is believed by the Commission that the John R. Penry, referred to above, and John R. Penry are one and the same person.

You are the last mother of the late mother, 20 years of age and the daughter of J. and Mary, deceased, before the Commission at Gallup, Indian Territory, June 12, 1900, and made application for the enrollment of herself and her two minor children, George and Bertha Rayner, as citizens by blood of the Cherokee Nation.

Judgment was rendered by this Commission September 3, 1900, denying her enrollment and that of her two minor children and due notice of the same was mailed to her at her postoffice address, Ego, Indian Territory.

Yours truly,

Acting Chairman.

7-R-284
7-R-406

M C R 5013

COPY,

Muskogee, Indian Territory, May 23, 1903.

Della Newton,

Ego, Indian Territory.

Dear Madam:

You are hereby advised that on the 13th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John R. Penny, et al., embracing the following applications for identification as Mississippi Choctaws:

John R. Penny, et al.,	M C R 65
Tommie Izard,	M C R 66
Della Newton, et al.,	M C R 5013

Said decision after a review of the evidence submitted concludes as follows:

'The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stat., 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of John R.

COPY.

B E—S.

Penny, Mattie Penny, Walter Penny, Claude Penny, and Penny, for Penny, Thomas Lard, Della Norton, George Norton and Martha Norton as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tam

Acting Chairman.

Registered.

Miss. Choctaw 5013

Muskogee, Indian Territory, March 28, 1902.

Della Newton,

Hogan, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the twenty third instant, stating that the testimony which was taken in the case of your father, John R. Penney, also applies to your case.

In reply to your letter you are advised that your application has been made a part of the consolidated case of John R. Penney, et al. applicants for identification as Mississippi Choctaws, and the evidence filed in his case will also be considered in support of your application.

Yours truly,

Commissioner in Charge.

COPY

M.C.R. 6013.

Muskogee, Indian Territory, July 8, 1908.

Della Newton,

Mgo, Indian Territory.

Dear Madam:

You are hereby advised that on the 23d day of June, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John R. Penny, et al., of which decision you were advised by registered mail on the 23d day of May, 1908.

Yours truly,

Commissioner in Charge.

REFUSED.

MEMORANDA.

JUN 15 1900 .

JUN 15 1900

1899.

Name Della Newton. (20) (Date) Ego, I. J.

Choctaw Miss County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Yes (1/8) Mother's citizenship (n.s.)

Intermarried citizen ?

Married under what law ?

License filed this day,

Wife's name (Husband) Mill Newton (no)

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children:

<u>2. George</u>	County	Year	Page	No.
<u>(sue) Bertha</u>	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

John Penny, (father) (1/4) ✓
Bettie Penny, (mother)
"

No.

5013

For Identification as a Mississippi Choctaw.

Date June 15. 1900

Name Della Newton

Age 20 Blood 1/8

Post Office, Ego I.T.

Father: John Penney ✓

Mother: Bettie " ✓

Claims through ✓
Husband

William Newton
no claim for husband

Children:

George Newton 2

Bertha Newton 8 mos

Stenographer

M. O. Green

Choctaw MCR 5014

Sidney J. Cundiff

See MCR 62, Loula West
Docket Case #66

MCR 5014

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sidney J. Cundiff for
identification as a Mississippi Choctaw, M.C.R. 8014.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sidney J. Cundiff for
identification as a Mississippi Choctaw, M.C.R.5014.

I N D E X .

Original application of Sidney J. Cundiff before the Dawes Commission for enroll- ment as a citizen of the Choctaw Nation,.....	page 1
Copy of letter of the Commission addressed to Sidney J. Cundiff,.....	2
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Affidavit of Sidney J. Cundiff,.....	5
Affidavit of Nancy L. Cundiff,.....	6
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Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the application for enrollment as a Choctaw of Sidney J. Cundiff; being sworn and examined by Com'r McKennon he states:

- Q What is your name? A Sidney J. Cundiff.
- Q How old are you? A Thirty-two
- Q You never have been enrolled as a Choctaw have you?
- A No sir.
- Q Where have you been living? A In the Territory ever since last March was a year ago.
- Q Your father and mother are not on the rolls here are they?
- A They are on two of these rolls, yes sir.
- Q In this Territory? A Yes sir.
- Q What rolls? A The rolls of 1896 and 1897 I guess.
- Q What is the name? A Nancy Lee Cundiff.
- Q She didn't move here until last October? A No sir.

Com'r McKennon: You not being on the rolls we have no jurisdiction to enroll you, and the enrollment will be refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission that this transcript is a true, full and correct translation of my stenographic notes.

M. L. G. H.

Choctaw R-61

Muskogee, Indian Territory, February 18, 1902.

In the matter of the application of
Sidney J. Cundiff for the enrollment
of himself as a citizen by blood of
the Choctaw Nation.

To Sidney J. Cundiff,

Durant, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof in which to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform such other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you are

S J C --2-

a descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.

Commissioner in Charge.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 18 1902

A handwritten signature in dark ink, appearing to be 'H. H. H.' or similar, written over the typed name.

ACTING CHAIRMAN.

State of Texas } In the matter of the
County of Hill } application of Sidney J.
Cundiff } Cundiff for the
in recognition of him-
self as a citizen by
blood of the Choctaw
nation.

Now comes Affiant Sidney J. Cundiff who says and swears that he is a descendant of the Choctaw Indians, who resided in the State of Miss in the year 1830. and that they are entitled to the Choctaw Indians' benefit on attempt to comply with the provisions of the fourth article of the Treaty of 1830. between the United States Government and the Choctaw nation. Affiant says that his mother name is Nancy L. Cundiff, that his father name was S. H. Cundiff now deceased. Affiant says that his rights on through his mother of on said, who is now alive & resides in Wise County Texas. Affiant says his brothers and sisters, Lewis, Robert J. Cundiff and his child Robert, Sidney Cundiff, & Maria Lee, Armstrong, wife of S. H. Armstrong and Mrs. Anna Davis Potts, wife of S. H. Potts, all of whom reside in the Indian Territory, & have had their rights through their mother of on said established and determined judicially by the Federal Courts of the Indian Territory. Informant to which is having notice

The horse named Chidnee & myself are the only children on the only children of my deceased mother, Nancy L. Kendrick.

Affiant says that he resided Mill Street Indian Territory June 28th 1898. and made application for enrollment to the Dawes Commission, in the year 1898. and was rejected by said commission. because his name did appear on the roll in 1896 & 1897.

Affiant says that the letter of the Commissioner of the General Land Office, dated May 15th 1902. was directed to Durand & Co. an account of which the same was not received by Affiant whose P.O. address is Decatur Texas. until the 8th day of March 1902, for which reason this Affidavit was not made and returned ~~and sent~~.

Sidney J. Kendrick

Personally appeared before me Hugh D. Spencer a Notary Public in and for Wise County Texas. Sidney J. Kendrick and says that the foregoing statements contained herein are true to the best of his knowledge and belief, and I certify that the foregoing is his signature.

Hugh D. Spencer
Notary Public Wise County

State of Texas }
County of Wise }

Affiant Nancy L. Cundiff says that she has heard the foregoing affidavit read that she is now twenty one years of age that she is the mother of the of on said Sidney J. Cundiff that all the allegations made and contained in the affidavit of Sidney J. Cundiff are true to the best of her knowledge and belief and she adopts the same as her affidavit.

Nancy L. Cundiff

Subscribed and sworn to before me this the 5th day of March A.D. 1902.

Hugh D. Spencer
Notary Public, Wise Co. Tex

State of Texas }
County of Wise }

Affiant Mrs M.C. Shouman says that she resides in the county of Texas that her mother was a sister of Mrs Nancy L. Cundiff and that she knows from her family reputation the facts of her mother who is now dead the pedigree on the mother side of Sidney J. Cundiff that from this knowledge and belief she adopts as facts of her affidavit and subscribes the statement in the affidavit.

of Sidney J. Leediff known before
you and your court.

M C Shoemaker

~~On this the 8th day of March 1902~~
~~personally appeared M. C. Shoemaker~~
Sworn and subscribed to before
me this the 8th day of March
1902.

Hugh D. Spencer
Notary Public Win Co Tex.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED
MAR 18 1902

ACTING CHAIRMAN.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 28, 1902.

5014

In the matter of the application for identification as a
Mississippi Choctaw of Sidney J. Cundiff.

Applicant not represented by attorney.

Sidney J. Cundiff being first duly sworn testified as follows.

Examination by the Commission.

- Q What is your name? A Sidney J. Cundiff.
Q What is your age? A Thirty-three.
Q What is your post office address? A Decatur, Texas.
Q How long have you lived there? A Well I have been there about
a year the last time. I moved from there to the Choctaw Nation
and stayed there two years and then moved back there.
Q You have been in Texas now for a year? A Yes, sir.
Q Where were you born? A Texas.
Q Did you always live in Texas except when you lived in the
Indian Territory? A Yes, sir.
Q You lived in the Territory two years? A Yes, sir.
A For the last year you have been in Texas? A Not all the time,
partly in the Chickasaw Nation.
Q How long have you lived in Texas now last past? A It has been
about five months since I went back there.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father name? A William Henry Cundiff.
Q What is your mother's name? A Nancy Lee Cundiff.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A I reckon it is about
one-eighth.
Q Has your mother ever been recognized in any manner or enrolled
as a member of the Choctaw tribe of Indians by the Choctaw
tribal authorities or the United States authorities in Indian
Territory? A Yes, I think her name was on the roll of ninety-
six.
Q Is she a member of the Choctaw tribe of Indians now? A No,
sir; I will have to explain that to you I reckon if you want
an explanation of it.
Q We certainly do? A Well they enrolled her and her name was on
the roll of ninety-six and ninety seven and when they came to
Durant to make the final enrollment the Commission claimed
that she had not complied with the Curtis act and they would
not enroll, the last time when they came to Durant because she
had not complied with the Curtis act. The last time they enrolled
at Durant they did not enroll her. This lawyer tells that I was
telling you about if I mistake not got out an injunction
forcing the Dawes Commission to enroll her through Clayton some-
way.

#2

- Q At what date did your mother appear before the Commission at Durant, Indian Territory? A I guess it was August 14, or 18th, somewhere right along there.
- Q 1899? A Yes, sir.
- Q And was refused enrollment by the Commission on what account? A Because she had not complied with the Curtis Bill.
- Q By not having come from Texas and made her residence in Indian Territory I suppose? A Yes, sir.
- Q Are you married? A Yes, sir.
- Q What is your wife's name? A Idress J. Cundiff.
- Q Is she living? A Yes, sir.
- Q She is a Choctaw Indian or white woman? A White woman.
- Q You make any application for her? A No, sir.
- Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A No, sir.
- Q You claim for yourself alone then? A That is all.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir; I don't think they are.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A Now, I could not tell you, because that J. G. Ralls and my father was doing all that work.
- Q What was your father's name? A William Henry Cundiff.
- Q Do you know whether he made application for himself and you at that time to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir; I don't know whether he did or not.

Application was made to the Commission on September 7, 1896, for Sidney J. Cundiff as a citizen by blood of the Choctaw Nation and for his wife Idress J. Cundiff as a citizen by intermarriage of the Choctaw Nation; they were denied by the Commission in Choctaw case number 225; case appealed United States Court, Central District, Indian Territory, and the decision of the Commission sustained, Court case Number 109. This case was consolidated with Dawes Commission cases No. , 49, 50, 206, 207, 208, 209, 332, 343, 514, 515, 595, 603, 604, 749 and 1179. See Dawes Commission Docket Number "C". An appeal was prayed for and granted to the United States Supreme Court and on October 24, 1898, the said Court did render its decision sustaining the judgment below.

- Q After this did you make application to be admitted as a citizen of the Choctaw Nation, by blood, to the Commission to the Five Civilized Tribes at any time? A Yes, I applied to them in Durant.
- Q Can you tell what year you applied at Durant to be made a citizen of the Choctaw Nation? A I would judge from the way everything showed up now it was in ninety-nine.
- Q Who was acting Commissioner at that time? A McKennon.
- Q What was done with that application? do you know? A No, I don't know.
- Q Do you remember that at that time you made the statement that you had never been enrolled as a citizen of the Choctaw Nation? A Yes, sir.
- Q And that you stated that your mother's name was Nancy Lee Cundiff? A Yes, sir.
- Q You remember Commissioner McKennon at that time stated you not being on the rolls we have no jurisdiction to enroll you and that your enrollment be refused? A Yes, sir.

#3

- Q Then you understood of course that your application was denied at that time? A Yes, sir.
- Q You have received no other formal notice from the Commission that your application was refused at that time? A No, sir.
- Q But you understood in making application that you were refused at that time? A Yes, sir.
- Q Then you have never been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized tribes, or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q I will ask you with reference to this application which you made before Commissioner McKennon and which was refused by him at that time when you appeared at Durant if you want this application considered and made a part of the present application; you want to have it all considered together? A Yes, sir.
- Q Do you understand the provisions of article fourteen of the treaty of 1830? A Well not any more than that I heard it talked by my cousin.
- Q You do not understand it thoroughly? A No, sir.
- Q You understand what a treaty is? A Yes, sir.

A treaty is a compact in writing made between two or more Nations instead of people. The latter would be a contract in writing or agreement but when the parties are made Nations instead of people it is called a treaty. Such a treaty was made between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September 1830. The object of the treaty was the removal of the Choctaw Indians who lived in the old Choctaw Nation at that time from that old Choctaw Nation to the Choctaw Nation Indian Territory, West of the Mississippi River. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory under that treaty and in order to protect the interest of those who stayed back there in the old Choctaw Nation article fourteen was put into the treaty. That article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

#4

- Q Now do you know of any of your Choctaw ancestors who complied or attempted to comply with any of the provisions of that treaty?
- A Yes, sir; I think my grandfather lived in the Choctaw Nation but I don't know how long though and I have an uncle who lived here and died in the Choctaw Nation.
- Q Yes, but did any of your Choctaw ancestors comply with article fourteen of the treaty of 1830 in Mississippi; did they do these things that are mentioned in article fourteen necessary to be done to comply with that article? A I don't know sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A The Durant and Pitchlyn families.
- Q Well give me the ancestor through whom you claim who, lived in Mississippi? A I don't know the names.
- Q Can you give the name of any ancestor who lived in Mississippi and who was a Choctaw Indian? A No, sir; I don't believe I could.
- Q Do you know whether any of your Choctaw ancestors did live in the state of Mississippi or the state of Alabama in the old Choctaw Nation? A I think they did.
- Q Have you any idea who lived there, what ancestor or what relation? A Well there was old Dickson Durant.
- Q Was he your grandfather? A Second cousin of my mother.
- Q He is not an ancestor; you claim through your mother Nancy Lee Cuddiff, do you not? A Yes, sir.
- Q Did she ever live in the state of Mississippi? A Yes, sir.
- Q How old is she now? A Seventy-three, I think.
- Q Was she born in Mississippi? A She said she was born right on the line of Mississippi and Alabama; she don't know where, she thinks though in Mississippi.
- Q But she is not positive whether it is Mississippi or Alabama? A No, sir.
- Q Now was it in the old Choctaw Nation which was partly in Mississippi and partly in Alabama? A I don't know that.
- Q Did you ever hear anybody say in the family that she lived and was born in the old Choctaw Nation? A No, sir.
- Q You are not able to say then whether that place where she was born near the line was either in Mississippi or Alabama or in the old Choctaw Nation? A No, sir.
- Q She was born there seventy-three years ago? A I believe she was.
- Q Now did she claim through her father or mother? A I guess she claimed through her father.
- Q What was her father's name? A Brothers.
- Q What was th full name? A I don't know.
- Q This would be your grandfather? A Yes, sir.
- Q He was living then there at that time was he not, when your mother was born? A Yes, sir.
- Q What was his wife's name? A I don't know sir.
- Q Do you know whether your grandfather Brothers claimed through his father or mother? A No, sir.
- Q You are not able to go back further than that in your line of ancestry? A No, sir.
- Q Did your grandfather Brothers live there on the line between Mississippi and Alabama and have a family there at that time; he must have had a family because your mother was living at that time, in 1830? A Yes, I guess he did.
- Q In other words, your grandfather was the head of a family there then was he not? A Yes, sir.

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- Q Did your mother have any older brothers or sisters? A Yes, sir.
- Q Could you give the names? A My mother's brothers and sisters?
- Q Yes; older than she? A She has a brother named William Durant, Phillip Durant, Frank Durant.
- Q Their father's name was brothers? A I don't know anything about it.
- Q How does it happen that their names are Durant when your mother's father's name was Brothers; explain this as well as you can as is important? A Her name was Durant, my grandfather's name was Durant.
- Q Well you gave the name as Brothers? A I thought you meant great grandfather.
- Q No, I said grandfather? A His name was Durant.
- Q What was his full name? A Jefferson Durant.
- Q Jefferson Durant then was the father of Nancy Lee Cundiff? A Yes, sir.
- Q He lived in Mississippi or Alabama in 1830? A Yes, sir.
- Q And had a family there then? A Yes, sir.
- Q Who was this man Brothers that you have been speaking of? A Great grandfather or great grandmother on one of the saides I don't know which.
- Q You claim your Choctaw blood then from Jefferson Durant your grandfather on your mother's side who lived in Mississippi or Alabama in 1830 and was the head of a family there than? A Yes, sir.
- Q How much Choctaw blood did he have? A I suppose from the way they claimed it that he was one-half.
- Q You have heard that in the family? A Yes, sir.
- Q How old would your grandfather Jefferson Durant be if living now? A Eighty or ninety years old I reckon.
- Q Well he would be over eighty would he not because his daughter your mother was born seventy-three years ago? A I guess he would.
- Q You could not tell just how old he would be? A No, sir.
- Q Can you tell where he was born? A In Mississippi I reckon.
- Q Where in Mississippi? A I don't know.
- Q How long did he live in Mississippi? A He left Mississippi in forty-six.
- Q Where did he go to? A He came to Doaksville on the Red River.
- Q In Indian Territory? A Yes, sir.
- Q Did he live afterwards in the Indian Territory? A He lived a while in the Indian Territory and a while in Texas.
- Q Did he die in Texas? A Yes, sir.
- Q You know when and where he died? A He died in Southern Texas, Houston County, I think.
- Q Can you tell where in Mississippi your mother was born? A No, sir.
- Q How long did she live in Mississippi? A Sixteen years.
- Q Did she marry there? A No, sir.
- Q Then she removed to where? A She came to Doaksville.
- Q Indian Territory? A Yes, sir.
- Q Lived here until she went with her father to Texas? A Yes, sir.
- Q Where has she been living now? A Texas.
- Q Did she ever live in Indian Territory? A Yes, sir.
- Q Since that time she came here after coming from Mississippi? A Yes, sir; since ninety-eighth.
- Q She is not living here now is she? A No, sir; she is in Texas now.
- 11
- Q She went back again? A Yes, sir.
- Q How long has she been living in Texas since she went back there the last time? A Ever since August 1899.

- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know sir.
- Q You say your father came to the Indian Territory in 1846? A My grandfather.
- Q Your grandfather; did not your mother come? A Yes, sir.
- Q And your grandfather also? A Yes, she was born in Mississippi in 1830 she says; she thinks in Mississippi right on the line; she left there when she was sixteen years old.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors own any land or claim any under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know sir.
- Q Did they ever claim any benefits as Choctaw Indians under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A No, sir; not that I know of.

The Indians who remained in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent whose name was Colonel Ward within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His failure to do so caused a good many Choctaw Indians who held land in Mississippi upon which they had improvements to lose them both, both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians and as the result of these complaints, Congress in 1837, by act approved March 3rd of that year, appointed a Commission which went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23rd of that year and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did you ever hear that any of your Choctaw ancestors appeared before either the Commission of 1837 or the Commission of 1842 and claimed benefits as Choctaw Indians under article fourteen of that treaty? A No, sir; I did not.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also further appeared that he had had land in Mississippi which the government had taken from him and sold at its public land sales that he should be entitled to select land, either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that scrip should be given to him authorizing him to make this selection.

- Q Did any of your Choctaw ancestors select any land under that act of Congress do you know? A No, sir; I don't know.

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- Q Have you any documentary evidence of any kind that you want to introduce or any other witnesses that you want to call in support of this claim? A Well I have all the evidence.
- Q You want time in which to introduce anything further? A Yes, sir.
- Q How much time do you think you would like? A A couple of weeks I guess would be enough.

15 days time is allowed this applicant in which to furnish other evidence if he desires in support of this application.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Is your brother's name Robert J. Cundiff? A Yes, sir.
- A Did he have a child named Robert Sidney Cundiff? A Yes, sir.
- Q Who is Mattie Lee Armstrong? A Sister.
- Q Who is Rena Davis Potts? A Sister.
- Q Do they all live in Indian Territory? A Yes, sir.
- Q Have they been admitted to Choctaw citizenship by any of the Federal Courts in Indian Territory? A Yes, sir.
- Qc Your mother has also? A I don't know whether she was admitted or not.
- Q She was refused was she not when she appeared before the Commission at Durant? A Yes, sir.
- Q Because she had not lived in the Indian Territory and established her rights by residence? A Yes, sir.
- Q You don't claim any rights yourself by virtue of the fact that any relatives of yours have been admitted by judgments of the Court; you stand on this application don't you? A I don't know whether I understand you exactly.
- Q The question is do you rely on your rights to be identified as a Mississippi Choctaw wholly upon this application irrespective of what was done with the applications of your relatives; how can they help you? A Their evidence might help me.
- Q It might it might not; I want to know whether you stand on this application? A I guess so.
- Q Is there anything further you want to say in support of this claim? A No, sir; I reckon not.

This applicant has the appearance and physical characteristics of being descended from white parentage; black hair; brown eyes; dark complexion; mustache is medium dark brown. He does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of April 1902.

Subscribed and sworn to before me this 21st day of April 1902.

Charles M. Thillwood
Notary Public.

(Copy)

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT.

P. D. DURANT)	
vs.)	
Choctaw and Chickasaw)	No. 8.
Nations.)	
)	

UNITED STATES OF AMERICA,
Central District of the Indian Territory,
So. McAlester, Indian Territory.

I, James B. Cassada, Clerk of the Choctaw and Chickasaw Citizenship court, do hereby certify that the following, consisting of about 9 typewritten pages, is a full, true and correct copy of the Opinion of said Court, rendered on the 21 day of March, 1904, in the above entitled cause and now on file in my office.

Witness my hand and seal of said Court, this 8 day of April, 1904.

(signed) JAMES B. CASSADA,
Clerk Choctaw and Chickasaw
Citizenship Court.

L.S.

In the Choctaw and Chickasaw Citizenship Court, sitting at South McAlester, in the Central District of the Indian Territory, in the Choctaw Nation, March Term, 1904.

P. D. DURANT, et al.,
Appellants,

vs.

No. 8.

CHOCTAW AND CHICKASAW NATIONS,
Appellees.

OPINION: by FOOTE, Associate Judge.

This cause comes here in the regular way on appeal from the United States Court for the Central District of the Indian Territory.

The parties named in the petition to this Court are as follows:

P. D. Durant, Estella C. Durant, Jessie May Green (nee Durant), Sarah Francis Conner (nee Durant), Robert Conner Durant, Ernest A. Durant, Mary Butts, Horace F. Butts, Vera Butts, Sarah C. Daley, James Daley, Margaret J. Black, William N. Black, Maggie E. Ward, James Q. Ward, John P. Ward, James E. Ward, Sidney J. Cundiff, Idress J. Cundiff, William Fisher Arledge, Walter Arledge, Margaret C. Shoemaker, A. L. A. Shoemaker, Alvis Shoemaker and Mary Laurin Shoemaker.

In the Court below the cause was consolidated with that of Verna D. Potts, et al., vs. Choctaw Nation, but in this latter cause a separate opinion will be rendered by this Court, and I will here deal with those persons only who are parties to this appeal, although the evidence so far as applicable is to be used in both cases.

The application of all parties to this appeal was denied by the United States Court for the Central District of the Indian Territory, on the 24th day of August, 1897, upon the ground that they were non-residents of the Indian Territory, supposedly at the time of their application for citizenship.

The applicants in this case as well as in the case of Verna D. Potts, et al., above mentioned, claim to be members of the Choctaw tribe of Indians, by blood or marriage, which said blood they allege, is derived from one common ancestor, to wit, Jefferson Durant.

It is further claimed that on or about the 8th day of November, 1895, proof was made to the Choctaw Council, of the Indian blood of the said Jefferson Durant, and that pursuant to an Act of said Council, Nancy Lee Cundiff, a daughter of said Jefferson Durant, and her child, Mattie L. Armstrong, and the children of said Mattie L. Armstrong, namely, Donnie Durant and Layton Burford Armstrong, were recognized as descendants of said Jefferson Durant and as Choctaw Indians by blood.

It is also claimed that Nancy L. Cundiff, P. D. Durant, Mrs. Mary Butts, Sarah Caroline Daley, Margaret Jane Black and Maggie E. Ward, are children Jefferson Durant; that Margaret C. Shoemaker is his grand-daughter, through her mother Mrs. Elizabeth McGill, and the other claimants are descended from or related to some one of these by consanguinity or affinity.

The record which comes to us from the Court below, even if the ex parte affidavits and other evidence had therein, are entitled to be considered by the Court, and we do not decide that they are, in favor of appellants, throws little or no light upon the one question of fact involved in this case. It

consists of marriage licenses issued to various members of this family in Texas, and a large number of petitions for enrollment before the Commission to the Five Civilized Tribes, and ex-parte affidavits in support thereof. Practically all of these petitions and affidavits are made by the different applicants, and set forth merely that they are related to each other in one way or another, and that they are relatives or descendants of Nancy Lee Cundiff, a citizen of the Choctaw Nation by virtue of the Act of the Choctaw Council. So far as I am able to ascertain there is not a single particle of evidence in this record, competent or incompetent, which connects these people in any way, with their alleged ancestor Jefferson Durant, nor is there even an effort made to do so. They confine their entire efforts to establishing their relationship with Nancy Lee Cundiff, who they claim, was recognized in 1895, by the Choctaw Council as a daughter of said Jefferson Durant. Even the application for enrollment of R. D. Durant, for himself and his six children and their families, merely alleges as a ground of his claim "That he is a brother of Nancy Lee Cundiff, recognized citizen per act of the General Council of the Choctaw Nation" etc., and there is attached thereto the affidavits of I. T. Ward and A. N. Perkins, to the effect that they knew Phillip David Durant; that he is a brother of Nancy Lee Cundiff, and that they know his children, naming them, to be his children. Of the same character is all the other evidence in the record which comes here from the Court below.

There is no doubt in my mind that the applicants here are all members of one family. The question involved is, (aside

from other questions which need not, for the purpose of this case, be discussed in this opinion), are they the descendants of Jefferson Durant, a Choctaw Indian?

The applicant P. D. Durant testified before this Court that all of these applicants except himself, Estella, Robert and Ernest Durant, live in the State of Texas. He also testifies that he was born in Mississippi in 1836, and that he is 64 years of age. He does not know in what County he was born, and says that he probably lived in several counties in Mississippi, among them being Tsihomingo, where he lived a year or a half a year. That he left Mississippi with his father in 1845 or 1846, when he was seven or eight years old, and they came to the Indian Territory, where they resided for one month, and then went to Texas where he remained until 1896, when he came to the Choctaw Nation. That all of the applicants here are his relatives by blood or marriage. That his father's name was Jefferson Durant; that he died in 1864 or 1865 and was living in Texas at the time of his death, and was never in the Indian Territory but one month. That he never saw any of his father's brothers or sisters; that he learned from his father and mother that his grandfather on his father's side was called Pierre, and that he heard from them that his uncles and aunts were called George, Sylvester, Joe and Fisher. He states positively on cross-examination that his father spelled his name "Jefferson Durant," and that he was never known by any other name except Jeff or Jefferson Durant. In the next breath he admits that his father sometimes went by the name of Duren, and he had letters from him that way, but that his father told him Durant. He further admits that most of the time in Texas, he transacted business and signed his name as Duren; that sometimes he signed it Durant, but cannot

recollect a particular occasion. He cannot tell as a fact whether his father's name was Jesse Duren. He and his father lived and bought and sold land in various counties in Texas, as did other members of the family. He voted at the Texas elections. He thinks his father and family moved to Texas alone and that no other family accompanied them.

His statement that he only came to the Indian Territory as a claimant in 1896 is not accompanied by particular mention of what day or month of that year, hence I cannot say where his residence was when he made his application originally. He does not know where his father was born and often swears that his father's name was Durant. He says in answer to this question on cross examination:

"Q. You have no knowledge of your father going by any other names than these two. (Meaning Jeff or Jefferson Durant)? A. Duren sometimes, I have letters that way, but he told me Durant."

He then admits that some of his business is signed as Duren. He knows of but one man now living, who prior to 1890, ever called him anything but Duren, and that man, a Mr. Lewis; then he mentions a man named Ward. Then he is asked this question.

"Q. Now Mr. Durant answer me this question, is it not a fact that you were known by the name of Duren in Texas and that your father had the same name and that you signed the name and transacted business under the name of Duren? He answers: "Yes, sir, most of the time." And when asked if he had ever signed business papers as Durant, cannot recollect that he had ever had. He afterwards admits that a certain bond as guardian, a copy of which was shown him, was signed by him in Texas before the County Court in the State of Texas in 1898, (after he had applied for citizenship

under the name of Durant) and by the signature of P. D. Duren on the bond. That he signed a petition to the Court in Texas in the same way, for letters of guardianship and swore to it, and signed the affidavit as P. D. Duren, before E. B. Anderson, a notary public for Mills County, Texas.

When asked about a marriage license procured in Texas for one of his daughters and her prospective husband, therein she was named Lou Duren, he admits that such was the fact, yet in the original license itself, filed by his attorney or himself in this case below, the name has been changed by some one from "Lou Duren" as it was originally written when the license was issued to "Lou Durant." This forgery is glaring and appears to the naked eye at a single glance. In the body of the document an "a" has been made over the "e" and a "t" has been added to the "n" in the word Duren. The forger, however, has neglected to complete the work. He failed to notice the endorsement on the back of the license and to make the necessary changes therein. The said endorsement still reads "Marriage License, H. F. Butts to Miss Lou Duren." The identical bungling forgery has been committed in another original license, introduced by applicants in the case below, which license was issued by the County Clerk of Mills County, Texas, on the 22nd day of January, 1890, to James Q. Ward and Miss Maggie Duren, as further proof of these forgeries the appellees have introduced in this Court, certified copies of these licenses, as they appear on the records of Mills County, Texas, and in those certified copies, the name is Duren.

When asked on cross examination concerning these licenses the witness P. D. Durant says, he does not know how these changes took place. He says the copies (meaning these licenses) were

forwarded to his attorney Judge Durant, in the Indian Territory. He admits that one daughter was married in Texas as Miss Lou Duren and the other as Miss Maggie E. Duren, and the names of these licenses changed afterwards.

As bearing upon the name of these applicants and their ancestor, the appellees have introduced in this Court, certified copies of the following Texas records: A certified copy of the petition of J. F. Duren for temporary letters de bonis non, of the estate of his ~~grand-father~~ Jesse Duren; a certified copy of an order of the County Court of Houston County, Texas, made January 31st, 1868, in a case of W. H. Cundiff, administrator of the estate of Jesse Duren, deceased, vs. Donley and Anderson; a certified copy of an order of the same Court, made August 27, 1867, directing certain papers to be delivered to W. H. Cundiff, administrator of the estate of Jesse Duren; a certified copy of the bond of P. D. Duren as guardian of the person and estate of Minnie D., Essie C., Robert C. and Ernest A. Duren, and a certified copy of the Final account and Petition for discharge of P. D. Duren as such guardian, verified by the said P. D. Duren. In none of these papers does the name Durant anywhere appear.

The contradictory statements of this man F. D. Durant, his evasions and evident insincerity, utterly destroys the force of his evidence, and not to speak of other facts, which show clearly, by Court Documents introduced in evidence here by the appellees, and the many admissions the witness made that his father was one Jesse Duren and his own real name was P. D. Duren, and that he was not descended from Jefferson Durant, a Choctaw Indian.

Then an Indian, as he ⁽⁷⁾claims to be, is introduced as

a witness for the claimants, named Jones, and he says that he never knew the claimant (meaning P. D. Durant) was a son of Jefferson Durant, except that the claimant told him so; and on cross examination he does not know where Sylvester Durant, a brother of Jefferson Durant, lived, except from hearsay. This witness' testimony as to his knowledge of Nancy Lee Cundiff, the sister of P. D. Durant, is utterly worthless. He admits he has no knowledge that Mrs. Cundiff is the girl Nancy he knew in Mississippi, and the witness is 73 years old.

Mrs. Nancy Lee Cundiff, the sister of the claimant P. D. Durant, as a witness for him, thinks her father's name was Jesse or Jeff, "Jesse, I think" but does not know which; "Jesse or Jeff Duren or Durant," and that he received letters that way. She does not know her grandfather's name, not even by family tradition. Does not know of her own knowledge why her father went sometimes by the name of Duren and sometimes Durant.

It is not necessary to discuss the evidence further.

After an examination of all the competent evidence in this record, documentary and otherwise, it is clear to me and beyond doubt, that P. D. Durant, as he now calls himself, who has to me none of the personal appearance of an Indian of any kind, because of the fact, and based on the fact that his sister had by some means unknown to this Court, but in the light of the evidence here, unjustly obtained admission to citizenship before the Choctaw Council, a year or so before, the claimant commenced his efforts to be a citizen of the Choctaw Nation, and that he undertook, most of his family always remaining in Texas and never coming to the Indian Territory, to get a claim through

the Commission to the Five Civilized Tribes. That he failed there, and failed before the United States Court, because he and most of the other claimants were non-residents of the Indian Territory. His efforts on appeal here, relying on his ability as he thought perhaps, to show himself a son of Jefferson Durant, a recognized Choctaw Indian, have proved that he is not the son of Jefferson Durant, but of a man named Jesse Duren, and I forbear to say more, except that it is a shocking thing to see an effort made and in such a manner, to obtain property and property rights.

I am of the opinion, therefore, that none of the appellants here, all depending for their rights as having the blood of Jefferson Durant, are entitled to citizenship in the Choctaw Nation, or to enrollment as such, or to any rights flowing therefrom, and IT IS SO ORDERED.

(signed)

H. S. FOOTE,
Associate Judge.

We concur:

(signed) SPENCER B. ADAMS,
Chief Judge.

(signed) WALTER L. WEAVER,
Associate Judge.

(Endorsement on Wrapper)

Department of the Interior,
Commission to the Five Civilized Tribes.

FILED

APR 9, 1904

Tams Lixby, Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sidney J. Cundiff for identification as a Mississippi Choctaw, M.C.N. 5014.

D E C I S I O N .

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission by Sidney J. Cundiff for himself, under the following provision of the act of Congress approved June 28, 1896, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that said applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Jefferson Durant, who is alleged to have been an one-half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

Other ancestors than the one above given are mentioned by the applicant, but as he does not state the relationship of said ancestor to them and designates them simply as "the Durant and Pitchlyn families" and "brothers", it is impossible for the Commission to ascertain whether or not they were beneficiaries under article fourteen of the treaty of eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that the applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It appears from the records of the Commission that this applicant made application to the Commission to the Five Civilized Tribes, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321) for citizenship by blood of the Choctaw Nation, which application was by the Commission denied and an appeal taken to the United States Court for the Central District, Indian Territory (Choctaw Citizenship case No. 109), which court sustained the decision of the Commission. Under the provisions of Section 32 of the act of Congress approved July 1, 1902, (32 Stats., 641) an appeal was taken from the unfavorable judgment of said United States District Court to the Choctaw and Chickasaw Citizenship Court, sitting at South McAlester, Indian Territory, he being one of the applicants in the case of J. D. Durant, (Choctaw-Chickasaw

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Citizenship Court case, No. 8). On March 21, 1904, said court rendered its decision, denying the application of the applicant herein for admission as a citizen by blood of the Choctaw Nation.

All of the applicants in said case before the Choctaw and Chickasaw citizenship court are relatives and claim their Indian blood from their alleged common ancestor, Jefferson Durant. The court, in delivering its opinion, stated the claim of the applicants (one of whom was the applicant herein) that they were descendants of Jefferson Durant was fraudulent, inasmuch as the evidence submitted in said case clearly shows that they are descendants of one Jesse Duren, and not Jefferson Durant.

It is therefore the opinion of this Commission that the application made by Sidney J. Cundiff for identification as a Mississippi Choctaw should be dismissed, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,
JUL 20 1904

Muskogee, Indian Territory, March 13, 1902.

Sidney J. Cundiff,
Decatur, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, replying to our communication of February 15, 1902, notifying you that you would be allowed thirty days from that date within which to submit to the Commission an affidavit corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the provisions of the twenty-first section of the act of Congress of June 28, 1898.

In your letter of the 8th instant, you submit your own affidavit and that of Nancy L. Cundiff and M. C. Shoemaker, which have this day been filed with the records of the Commission. Said affidavits allege that you are a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and who complied or attempted to comply with the provisions of the treaty of 1830 between the United States and the Choctaw Nation.

You are now advised that if it is your intention to prosecute your rights as a Mississippi Choctaw, as the descendant of such Choctaw Indians, it is necessary for you to appear before the

Commission in person for the purpose of examination under oath so that a sufficient record can be made upon which your rights to such identification can be determined. Such appearance should be made within thirty days from the date hereof and if at that time no personal application is made by you for identification as a Mississippi Choctaw, it will be the presumption of the Commission that it is not your intention to further prosecute such rights, and the Commission will then pass upon the records as it now appears.

The fact that you have certain relatives who have been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory would not in any manner affect your right to enrollment and the Commission in the preparation of the rolls of citizens of the Choctaw Nation is now limited by the following provision of the act of Congress of May 31, 1900:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

Our letter of February 15, 1902, addressed to you, is returned herewith.

Yours truly,

Enc Y 31

Commissioner in Charge.

Muskogee, Indian Territory, May 12, 1903.

Received of the Commission to the Five Civilized Tribes copies
of testimony in the following applications for identification as
Mississippi Cheataws:

Thomas B. Grady,
Mary Ann Weatherbee,
Polly Farmer,
Sidney J. Gendiff,
~~Robert H. Mitchell,~~
Robert H. Mitchell,
John F. Spring,
Reuben H. Spring,

M.C.R. 51
M.C.R. 490
M.C.R. 4089
M.C.R. 5014 ✓
~~M.C.R. 5253~~
M.C.R. 5253
M.C.R. 5253
M.C.R. 5254

Mansfield, Murray & Cornish,


M.C.R. 6028

COPY:

Muskegee, Indian Territory, July 29, 1904.

Sidney J. Cundiff,
Decatur, Texas,

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 29, 1904, dismissing your application for identification as a Mississippi Choctaw.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, July 29, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen.

Inclosed herewith you will find a copy of the decision
of the Commission to the Five Civilized Tribes, rendered July 29,
1904, dismissing the application for identification as a Mis-
sissippi Choctaw of Sidney J. Cundiff.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Refer in reply
to the
following:

Land
92798-1905.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

November 28, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commissioner to the Five Civilized Tribes of the 16th instant, saying in compliance with the request of Chilion Riley and Sam Houston Kyle, of October 9, 1905, he encloses petition in behalf of Nancy Lee Cundiff and her descendants named therein, praying for their enrollment as citizens by blood of the Choctaw Nation.

The petitioners claim to have been enrolled by the Choctaw tribal authorities in 1896, their names appearing on the Choctaw Census roll made that year under the Act of Congress of June 10, 1896 (29 Stats., 321). The petitioners also applied to the Commission to the Five Civilized Tribes under the Act of 1896 and their applications were rejected. Thereupon they appealed to the United States Court for the Southern District of Indian Territory and were admitted.

It is the contention of the petitioners that the enrollment on the Choctaw Census roll of 1896 having been made by competent authority under the law, the Commission

to the Five Civilized Tribes had no authority to adjudicate their case, and that its rejection and the subsequent proceedings in the United States Court were a nullity. The petition in this case can not be passed upon intelligently without a report from the Commissioner to the Five Civilized Tribes as to whether the names of the parties actually did appear on the 1896 Census roll and whether the matters set out in the petition relate to the case appealed from the Commission to the United States Court in 1896 are the facts. The views of the Commissioner as to the legal phases of the question would be helpful in the disposition of the petition, and I therefore recommend that it be returned to him for a statement of the facts and an expression of his views of the law.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBH-WDW.

COPY.

DEPARTMENT OF THE INTERIOR,

J.P.

I.T.D. 16406-1905.

WASHINGTON.

PHE.

December 13, 1905.

L.R.S.

56579-1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office in letter of November 28, 1905 (Land 92798), the petition in behalf of Nancy Lee Cundiff, et al., praying enrollment as citizens of the Choctaw Nation, is inclosed, for a statement of facts and an expression of opinion by you.

A copy of the Indian Office letter is inclosed.

Respectfully,

Through the Commissioner
of Indian Affairs.

(Signed) Thos. Ryan,
First Assistant Secretary.

2 inclosures.

COPY.

Muskogee, Indian Territory, February 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Departmental letter of December 15, 1905 (I.T.D. 16406-1905), transmitting a petition submitted by Chilion Riley and Sam Houston Kyle, in behalf of Nancy Lee Cundiff, et al., praying enrollment as citizens of the Choctaw Nation.

The Acting Commissioner of Indian Affairs in his report of November 28, 1905 (Land 92798-1905), states the petitioners claim to have been enrolled by the Choctaw tribal authorities in 1896, and that their names appear on the Choctaw Census Roll made that year under the Act of Congress approved June 10, 1896 (29 Stats., 321); that they also applied to the Commission to the Five Civilized Tribes under the Act of 1896 and were rejected, but that upon appeal to the United States Court for the Southern District of the Indian Territory, were admitted.

The Acting Commissioner of Indian Affairs states it is the contention of the petitioners that the enrollment of the applicants on the 1896 Choctaw Census Roll having been made by com-

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petent authority under the law, the Commission to the Five Civilized Tribes had no authority to adjudicate their case, and that its rejection and the subsequent proceedings in the United States Court were a nullity. He recommends that the petition be returned for a statement of the facts and an expression of the views of the Commissioner upon the question of law presented.

The petition returned with Departmental letter of December 15, 1906, prays for the enrollment as citizens of the Choctaw Nation of

"Nancy Lee Cundiff, and her descendants, Varina D. Potts, her daughter, William G. Potts, husband of said Varina D. Potts, and their minor children, Mary J., William E., Davis L. and Sam W. Potts, William F. Arlege, grand son of principal applicant, Sidney J. Cundiff, Robert J. Cundiff and R. S. Cundiff, as citizens by blood of the Choctaw Nation."

Said petition alleges that Nancy Lee Cundiff was duly recognized and enrolled as a citizen by blood of the Choctaw Nation by the Choctaw tribal authorities in 1896; that she appeared before the Commission to the Five Civilized Tribes and made application for the admission of herself and her descendants as such citizens under the Act of Congress of June 10, 1896, and that the petition was granted as to the principal applicant, but denied as to the other petitioners, her descendants, but that on appeal to the United States Court for the Central District of the Indian Territory, all

3.

of the petitioners were admitted to citizenship in the Choctaw Nation; that thereafter on appeal to the Choctaw and Chickasaw Citizenship Court, it was decreed that the petitioners were not entitled to admission to citizenship in the Choctaw Nation.

February 7, 1906, Chilion Riley of Ardmore, Indian Territory, as the attorney for the petitioners, filed with the Commissioner to the Five Civilized Tribes, the following petitions:

In the matter of the application for the enrollment of Nancy Lee Cundiff as a citizen by blood of the Choctaw Nation.

In the matter of the application for the enrollment of William G. Potts, as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of Varina D. Potts, Mary J. Potts, William E. Potts, Davis L. Potts, and Sam W. Potts as citizens of the Choctaw Nation.

In the matter of the application for the enrollment of Robert J. Cundiff and his minor child, Robert S. Cundiff as citizens by blood of the Choctaw Nation.

In the matter of the application for the enrollment of William F. Arledge as a citizen by blood of the Choctaw Nation.

In the matter of the application for the enrollment of Sidney J. Cundiff as a citizen by blood of the Choctaw Nation.

These several petitions contain a repetition of the general allegations made in the original petition transmitted with Departmental letter of December 18, 1905.

With the return of the petition transmitted by the Department, I also have the honor to forward herewith the five separate

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petitions filed with this office on February 7, 1906.

I have the honor to report that under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321), there was filed with the Commission to the Five Civilized Tribes on September 7, 1896, the petition of Nancy Lee Cundiff for admission to citizenship in the Choctaw Nation. The petitioner claimed such right by reason of being a Choctaw Indian by blood, and alleged that she had been admitted to citizenship in the Choctaw Nation by an Act of the Choctaw National Council, approved by the Principal Chief of the Choctaw Nation on November 8, 1895. This case was docketed as 1896 Choctaw citizenship case No. 972.

Attached to the petition of Nancy Lee Cundiff filed under the Act of 1896, is a certified copy of an Act of the Choctaw National Council, approved by Jeff Gardner, Principal Chief of the Choctaw Nation, November 8, 1895, admitting Nancy Lee Cundiff and her daughter, Mattie Lee Armstrong, also the latter's children, Bonnie Durant Armstrong, aged 9 years, and Layton Buford Armstrong, aged 7 years, to all the rights and privileges of citizenship in the Choctaw Nation.

The answer of the Choctaw Nation was filed to the petition of Nancy Lee Cundiff, and on December 5, 1896, the Commission to the Five Civilized Tribes rendered a decision admitting the applicant as a citizen by blood of the Choctaw Nation. The judgment rendered by the Commission being endorsed on the back of the origin-

8.

al petition as follows:

"Admit applicant. Admitted by act of Council. Granted."

From this decision no appeal was taken within the time prescribed by the Act of 1896 to the United States Court in Indian Territory. The only party petitioner in Choctaw 1896 Citizenship Case No. 972, was the applicant, Nancy Lee Cundiff.

On August 14, 1899, application was made to the Commission to the Five Civilized Tribes at Durant, Indian Territory, for the enrollment of Nancy Lee Cundiff as a citizen of the Choctaw Nation.

The Commission to the Five Civilized Tribes on March 30, 1908, rendered a decision refusing the application for the enrollment of Nancy Lee Cundiff as a citizen by blood of the Choctaw Nation for the reason that she was not a resident in good faith of Indian Territory on June 28, 1898, and had never resided in the Indian Territory until her removal thereto in the month of October, 1898. This decision of the Commission to the Five Civilized Tribes adverse to the applicant, Nancy Lee Cundiff, was affirmed by the Secretary of the Interior May 19, 1908 (I.T.D. 5380-1908).

Under the provisions of the Act of Congress approved June 10, 1896, there was filed with the Commission to the Five Civilized Tribes on September 7, 1896, the petition of Varina Davis Potts, praying for the admission to citizenship in the Choctaw Nation of herself and her two minor children, Mary Elizabeth Potts and William

Edward Potts. This case was docketed as 1896 Choctaw Citizenship Case No. 343. The answer of the Choctaw Nation was filed October 9, 1896, and on December 2, 1896, the Commission to the Five Civilized Tribes rendered a decision denying the petition of the applicants. From this decision an appeal was taken to the United States Court for the Central District of the Indian Territory, which Court on August 24, 1897, rendered a judgment reversing the decision of the Commission to the Five Civilized Tribes and directing that Varina Davis Potts, Mary E. Potts and Edward Potts be enrolled as members of the Choctaw tribe of Indians by blood.

William G. Potts, the husband of Varina D. Potts, personally appeared before the Commission to the Five Civilized Tribes at Durant, Indian Territory, on August 18, 1899, and made application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Varina D. Potts, and their minor children, Mary J. and William E. Potts, as citizens by blood of the Choctaw Nation. There was also filed with the Commission to the Five Civilized Tribes on January 4, 1901, an application for the enrollment of Davis Lee Potts, born December 23, 1900, the child of William G. and Varina D. Potts. It does not appear from the records of this office that any application was made for the enrollment of the youngest child of William G. and Varina D. Potts, Sam W. Potts, as a citizen of the Choctaw Nation within the time pre-

scribed by the Act of Congress approved July 1, 1902 (32 Stats., 641).

The judgment of the United States Court of August 24, 1897, remained in full force and effect until the same was vacated, set aside and held for naught by the decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902, in the test case of the Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al. After the vacation of the judgment of the United States Court the case was certified to the Citizenship Court for a trial de novo, where the same was docketed as South McAlester Case No. 99, Verna D. Potts, et al. vs. the Choctaw and Chickasaw Nations.

Under the provisions of the Act of Congress approved June 10, 1896, there was also filed with the Commission to the Five Civilized Tribes on September 7, 1896, the petition of Robert Jackson Cundiff, praying for the admission of himself and his minor son, Robert Sidney Cundiff, as citizens by blood of the Choctaw Nation, and for the admission of his wife, Luella Bell Cundiff, as a citizen by intermarriage of the Choctaw Nation. This case was docketed as 1896 Choctaw Citizenship Case No. 206. The Commission to the Five Civilized Tribes on December 2, 1896, rendered a decision denying the petition of the applicants for admission to citizenship in the Choctaw Nation, from which decision an appeal was taken to the United States Court for the Central District of the Indian Territory,

which court on August 24, 1897, rendered a judgment reversing the decision of the Commission to the Five Civilized Tribes and directed that Robert J. Cundiff and his minor son, Robert Sidney Cundiff, be admitted and enrolled as citizens of the Choctaw Nation.

Robert J. Cundiff personally appeared before the Commission to the Five Civilized Tribes at Durant, Indian Territory, on August 18, 1899, and made application for the enrollment of himself and his minor son, Robert Sidney Cundiff, as citizens of the Choctaw Nation.

The judgment of the United States Court admitting Robert J. Cundiff and his minor son, Robert Sidney Cundiff, to citizenship in the Choctaw Nation, remained in full force and effect until the rendition of the decree of the Choctaw and Chickasaw Citizenship Court of December 17, 1902, in the test case of the Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al. The case was subsequently certified to the Citizenship Court where the same was consolidated with the case of Verna D. Potts, et al. vs. the Choctaw and Chickasaw Nations, No. 99 on the South McAlester docket of said court.

The Choctaw and Chickasaw Citizenship Court on March 21, 1904, rendered a decree in South McAlester case No. 99, adjudging and decreeing that "Verna D. Potts, or Verena Davis Potts, Mary J. Potts, Wm. Edward Potts, or Edward Potts, Robt. J. Cundiff, or Robert J. Cundiff, and Robt. Sidney Cundiff, or Robert S. Cundiff,"

be declared not citizens of the Choctaw Nation and not entitled to such enrollment, and not entitled to any rights whatever flowing therefrom.

The opinion of the citizenship court in this case was rendered by Judge Foote and was concurred in by Chief Judge Adams and Associate Judge Weaver, and in part finds as follows:

"It is plain that the claimant (Verna D. Potts) did not even live or reside in the Indian Territory when she petitioned for citizenship which is also fatal to her claim here. Another statement she makes is that her mother, Nancy L. Cundiff, did not come to this country, meaning the Indian Territory, until 1898, yet Mrs. Cundiff was made a citizen by the Choctaw Council in 1895."

The Department has heretofore been furnished with certified copies of the decree and opinion of the Citizenship Court in the case of Verna D. Potts, et al. vs. the Choctaw and Chickasaw Nations.

I have the honor to further report that under the provisions of the Act of Congress approved June 10, 1896, there was filed with the Commission to the Five Civilized Tribes on September 7, 1896, the petition of Samuel C. Arledge, praying for the admission to citizenship in the Choctaw Nation of Samuel C. Arledge, William F. Arledge and Walter W. Arledge. This case was docketed as 1896 Choctaw Citizenship Case No. 479. The answer of the Choctaw Nation was filed October 7, 1896, and on December 2, 1896, the Commission to the Five Civilized Tribes rendered a decision denying

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the petition of the applicants, from which decision no appeal was taken within the time prescribed by the Act of Congress approved June 10, 1896 (29 Stats., 321).

I also find that William Fisher Arledge and Walter W. Arledge were denied admission to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory of August 24, 1897 (Central District Citizenship Case No. 109).

It does not appear from the records of this office how the petitioners, William Fisher Arledge and Walter W. Arledge were before the United States Court in the Indian Territory, or by what process the said Court acquired jurisdiction over these petitioners. Application was, however, made to the Commission to the Five Civilized Tribes for the enrollment of the said William Fisher Arledge and Walter W. Arledge as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved June 20, 1896 (30 Stats., 496), by their grandfather, William H. Cundiff, at Durant, Indian Territory, August 14, 1896. No action was taken upon this application for the reason that the applicants had been denied citizenship in the Choctaw Nation by the decision of the Commission to the Five Civilized Tribes, and also by the judgment of the United States Court above referred to.

Under the provisions of section thirty-two of the Act of Congress approved July 1, 1902 (32 Stats., 641), William F. Arledge and Walter W. Arledge appealed from the judgment of the United

11.

States Court for the Central District of Indian Territory to the Choctaw-Chickasaw Citizenship Court for a trial de novo, said case being consolidated with the case of P. D. Durant, et al. vs. Choctaw and Chickasaw Nations (Choctaw and Chickasaw Citizenship Court, South McAlester Case No. 8).

A decree was rendered by the Citizenship Court in the case of P. D. Durant, et al. vs. the Choctaw and Chickasaw Nations, on March 21, 1904, denying among others, William Fisher Arledge and Walter W. Arledge. The opinion of the Citizenship Court in the P. D. Durant case was rendered by Associate Judge Foote and was concurred in by Chief Judge Adams and Associate Judge Weaver. Certified copies of the decree and opinion of the Citizenship Court in the P. D. Durant case have heretofore been furnished the Department.

I have also to report that under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321), there was filed with the Commission to the Five Civilized Tribes on September 7, 1896, a petition praying for the admission of Sidney Johnson Cundiff and Idrea J. Cundiff, his wife, as citizens by blood of the Choctaw Nation. This case was docketed as 1896 Choctaw Citizenship Case No. 225. The answer of the Choctaw Nation was filed October 7, 1896, and on December 2, 1896, the Commission to the Five Civilized Tribes rendered a decision denying the petition. From this decision an appeal was taken to the United States Court for the Central District of the Indian Territory, which court on August 24, 1897, rendered a judgment affirming the decision of the Commission to the Five Civilized Tribes and denying the right to admission as

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citizens of the Choctaw Nation of Sydney J. Cundiff and his wife, Idress J. Cundiff, as being non-residents of the Indian Territory, Sidney J. Cundiff subsequently, and on March 28, 1902, personally appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for identification as a Mississippi Choctaw. After the creation of the Choctaw and Chickasaw Citizenship Court, Sidney J. Cundiff appealed under the thirty-second section of the Act of Congress approved July 1, 1902 (32 Stats., 641), to the Citizenship Court for a trial de novo of his right to enrollment as a citizen of the Choctaw Nation.

The petition of Sidney J. Cundiff was consolidated with and made a part of the case of P. D. Durant, et al. vs. the Choctaw and Chickasaw Nations (South McAlester Case No. 8). A decree was rendered by the citizenship court on March 21, 1904, in the P. D. Durant case, and denied among others, Sydney J. Cundiff and Idress J. Cundiff.

The Commission to the Five Civilized Tribes on July 29, 1904, dismissed the application made by Sidney J. Cundiff for identification as a Mississippi Choctaw, for the reason that the Choctaw and Chickasaw Citizenship Court had found in the case of P. D. Durant, et al. vs. the Choctaw and Chickasaw Nations, that the claim of the applicants, by reason of being the descendants of a common ancestor, Jefferson Durant, was fraudulent, inasmuch as the evidence submitted to the Citizenship Court clearly showed that the petitioners were the descendants of one Jesse Duren. Sidney J.

Cundiff in his application for identification as a Mississippi Choctaw, claimed to be the descendant of the said Jefferson Durant.

All of these persons now desire a hearing upon their right to enrollment as citizens of the Choctaw Nation under the opinion rendered by the Assistant Attorney General for the Department of the Interior on December 8, 1905, in the Choctaw enrollment case of Loula West, et al.

The principal petitioner, Nancy Lee Cundiff, was admitted to citizenship in the Choctaw Nation by an Act of the Choctaw National Council approved November 8, 1905. The petitioners, Robert J. Cundiff, Varina D. Potts and Sydney J. Cundiff are the children of Nancy Lee Cundiff by her white husband, William H. Cundiff. The petitioners, Mary J. Potts, William E. Potts, Davis L. Potts and Sam W. Potts, Robert S. Cundiff and William F. Arledge, are the grandchildren of the said Nancy Lee Cundiff. The petitioner, William G. Potts, is a white man claiming his right as an intermarried citizen of the Choctaw Nation by reason of his marriage to Varina D. Potts.

The names of none of the petitioners are found upon any of the tribal rolls of the Choctaw or Chickasaw Nations in the possession of this office; this examination having extended to the 1885 Choctaw Census Roll, the 1893 Choctaw Leased District Payment Roll, the 1896 Choctaw Census Roll, the 1878 Chickasaw Annuity Payment Roll, the 1893 Chickasaw Leased District Payment Roll, and the

1896 Chickasaw Census Roll.

The sole basis of the right to Choctaw citizenship of this family is the Act of the Choctaw National Council of November 8, 1895, admitting Nancy Lee Cundiff to citizenship in the Choctaw Nation. As to the petitioner, Nancy Lee Cundiff, the Commission to the Five Civilized Tribes has heretofore held and this action has been affirmed by the Department, that she is not entitled to enrollment as a citizen of the Choctaw Nation for the reason that she had not established her residence within the Indian Territory as prescribed by the Act of Congress approved June 28, 1898 (30 Stats., 495).

At the time of the admission of Nancy Lee Cundiff to citizenship in the Choctaw Nation, Robert J. Cundiff was twenty-three years of age, Varina D. Potts was twenty-seven years old and Sidney J. Cundiff was twenty-six years old. The names of none of these children of Nancy Lee Cundiff are named in the Act of the Choctaw Council of November 8, 1895.

The testimony on file with the records of this office shows that Robert J. Cundiff and his son, Robert S. Cundiff, came from Decatur, Texas, to Durant, Indian Territory, in the latter part of the year 1897 and remained for a few months, when they returned to Texas but did not attempt to establish a residence in the Choctaw-Chickasaw Country until about the month of October, 1898.

The testimony in reference to the removal of Varina D. Potts and her family from Texas to Indian Territory is somewhat conflicting. In one place she alleges that she removed from Decatur, Wise County, Texas, in 1896, while in the testimony of her mother, Nancy Lee Cundiff, it is stated that her family did not remove to the Indian Territory until October, 1898.

Sidney J. Cundiff, in his testimony of March 28, 1902, states that he is a resident of the state of Texas and gives his postoffice address as Decatur, Texas. He further states that he was born in Texas and has lived there all of his life, with the exception of two years which he spent in the Chickasaw Nation, Indian Territory.

While the petition enclosed with the Department's letter of December 15, 1905, is not sworn to, the attention of the Department is invited to the fact that the subsequent petition of Nancy Lee Cundiff was sworn to in Wise County, Texas, on January 23, 1906; that the petition of Robert J. Cundiff was sworn to in Wise County, Texas, on January 23, 1906; that the petition of William F. Arledge was sworn to in Cherokee County, Texas, on January 30, 1906, and that the petition of Sidney J. Cundiff was sworn to in Wise County, Texas, on January 22, 1906.

There is a very strong probability that none of these persons, with the possible exception of the family of Varina D. Potts, have in any manner established a residence within the Indian Terri-

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tery.

I have carefully considered the petitions submitted by Messrs. Riley and Kyle and do not believe that the same allege sufficient facts to warrant the Department in granting the petitioners a hearing upon their alleged right to enrollment as citizens of the Choctaw Nation under the opinion of the Assistant Attorney General for the Department of December 2, 1906, in the Choctaw enrollment case of Loula West, et al., and I have therefore to respectfully recommend that the petitions be denied.

Respectfully,

SIGNED *Tamc Bixby.*

Commissioner.

Through the
Commissioner of Indian Affairs.

RPS 17/2

OOFF

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.

FHE.

D.C. 13495-1906.
I.T.E. 5684-1906.

April 11, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

February 17, 1906, you reported relative to petitions praying for the enrollment of Nancy Lee Cundiff, Varina D., Fillian G., Mary J., William E., Davis L., and Sam W. Potts, William A. Arledge, Edna, J. Cundiff, Robert J. Cundiff and Robert S. Cundiff, as citizens of the Choctaw Nation.

You do not consider, for reasons fully set out, that said petitions allege sufficient reasons to warrant the Department in granting the petitioners a hearing.

The Indian Office, submitting your report April 3, 1906, recommended that the petitions be denied. It stated that it is conclusively shown by your report that the petitioner who was admitted to Choctaw citizenship by the tribal authorities never removed to and settled in the Choctaw-Chickasaw country prior to June 28, 1896, and that those who were not admitted by the act of the Choctaw National Council were never enrolled by the tribal authorities, or by any other competent tribunal, as citizens of the Choctaw Nation; that

consequently, they do not come within the scope of the opinion of the Assistant Attorney General of December 28, 1905, approved by the Department, in the Loula West case, and are not entitled to review on the strength of the holding in that case.

These are the views of the Department. It does not consider that the petitions have made out, for any of the claimants, a prima facie case for further investigation, and the petitions are denied. So advise the proper parties.

A copy of said Indian Office letter is inclosed.

Respectfully,

1 inclosure.

Thos. Ryan,
First Assistant Secretary.

Refer in reply
to the
following:

Land:
18271-1906.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

April 3, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to forward letter of February 17, 1906, from the Commissioner to the Five Civilized Tribes, in which he acknowledges the receipt of Departmental letter of December 18, 1905 (I.T.D. 16, 406-1905), transmitting a petition submitted by Chilion Riley and Sam Houston Kyle in behalf of Nancy Lee Cundiff, praying for enrollment as citizens of the Choctaw Nation.

The Commissioner quotes this Office as saying in its report of November 28, 1905, that the petitioners claim to have been enrolled by the Choctaw tribal authorities in 1896, and that their names appear on the Choctaw census roll made that year under the act of Congress approved June 10, 1896 (29 Stats., 321); that they also applied to the Commissioner to the Five Civilized Tribes under the act of 1896 and were rejected, but that on appeal to the United States Court for the Southern District of the Indian Territory, they were admitted; that it is the contention of the petitioners that the enrollment of the applicants on the 1896 census having been made by

competent authority under the law, the Commission to the Five Civilized Tribes had no authority to adjudicate their case, and that its rejection and the subsequent proceedings in the United States Court were a nullity. He recommends that the petition be returned for a report of the facts and an expression of the views of the Commissioner on the question of law presented.

He describes the petition returned with Departmental letter of September 15, 1905, as praying for the enrollment as citizens of the Choctaw Nation of

Nancy Lee Cundiff, and her descendants, Varina D. Potts, her daughter, William T. Potts, husband of said Varina D. Potts, and their minor children, Mary J., William E., Davis L. and Sam W. Potts, William F. Arlege, grandson of principal applicant, Sidney J. Cundiff, Robert J. Cundiff, and R. S. Cundiff, as citizens by blood of the Choctaw Nation,

and that therein it is alleged that Nancy Lee Cundiff was duly recognized and enrolled as a citizen by blood of the Choctaw Nation by the Choctaw tribal authorities in 1896; that she appeared before the Commission to the Five Civilized Tribes and made application for the admission of herself and her descendants as such citizens under the act of Congress of June 10, 1898; that the petition was granted as to the principal applicant but denied as to the other petitioners, her descendants, but that on appeal to the United States Court for the Central District of the Indian Territory, all of the petitioners were admitted to citizenship in the Choctaw Nation, and

that thereafter, on appeal to the Choctaw and Chickasaw Citizenship Court, it was decreed that the petitioners were not entitled to citizenship in the Choctaw Nation.

On February 7, 1906, Chilion Riley of Ardmore, as the attorney for the petitioner, filed with the Commissioner the following petitions:

In the matter of the application for the enrollment of Nancy Lee Cundiff as a citizen by blood of the Choctaw Nation.

In the matter of the application for the enrollment of William G. Potts, as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of Varina B. Potts, Vary J. Potts, William E. Potts, Avis L. Potts, and Sam W. Potts as citizens of the Choctaw Nation.

In the matter of the application for the enrollment of Robert J. Cundiff and his minor child, Robert S. Cundiff as citizens by blood of the Choctaw Nation.

In the matter of the application for the enrollment of William F. Arledge as a citizen by blood of the Choctaw Nation.

In the matter of the application for the enrollment of Sidney J. Cundiff as a citizen by blood of the Choctaw Nation.

Mr. Dixby says that these several petitions contain a repetition of the general allegations made in the original petition transmitted with Departmental letter of December 16, 1905.

With the return of the petitions transmitted by the Department the Commissioner forwards the five separate petitions filed with his office on February 7, 1906, and reports that under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), there was filed with the Commissioner to the Five Civilized

Tribes on September 7, 1896, the petition of Nancy Lee Cundiff for admission to citizenship in the Choctaw Nation; that she claims such right by reason of being a Choctaw Indian by blood, and alleged that she had been admitted to citizenship in the Choctaw Nation by an act of the Choctaw National Council, approved by the Principal Chief of the Choctaw Nation on November 8, 1895, and the case was docketed as 1896 Choctaw citizenship case No. 972.

He says that attached to the petition of Nancy Lee Cundiff, filed under the act of 1896, is a certified copy of an act of the Choctaw National Council, approved by Jeff Gardner, Principal Chief of the Choctaw Nation, November 8, 1895, admitting Nancy Lee Cundiff and her daughter, Mattie Lee Armstrong, also the latter's children, Bonnie Durant Armstrong, aged nine years, and Layton Buford Armstrong, aged seven years, to all the rights and privileges of citizenship in the Choctaw Nation.

In response to this petition the answer of the Choctaw Nation was filed, and on December 2, 1896, the Commission rendered a decision admitting the applicant as a citizen by blood of the Choctaw Nation, the judgment rendered by the Commission being endorsed on the back of the original petition as follows:

"Admit applicant. Admitted by act of Council. Granted."

From this decision no appeal was taken within the time prescribed by the act of 1896, to the United States Court in Indian

Territory. The only party petitioner in Choctaw 1896 citizenship case No. 972 was the applicant, Nancy Lee Cundiff.

On August 14, 1899, application was made to the Commission to the Five Civilized Tribes, at Durant, for the enrollment of Nancy Lee Cundiff as a citizen of the Choctaw Nation, and Mr. Pixby says that the Commission, on March 30, 1905, rendered a decision refusing the application for the reason that Nancy Lee Cundiff was not a resident in good faith of Indian Territory on June 28, 1898, and had never resided in the Indian Territory until her removal thereto in the month of October, 1898, and that this decision was affirmed by the Department on May 18, 1905 (I.T.T. B380-1905).

The Commissioner reports that under the provisions of the act of Congress of June 10, 1896, there was filed with the Commission to the Five Civilized Tribes, on September 7, 1896, the petition of Varina Davis Potts, praying for admission to citizenship in the Choctaw Nation of herself and her two minor children, Mary Elizabeth Potts and William Edward Potts; that this case was docketed as 1896 Choctaw citizenship case No. 343; that the answer of the Choctaw Nation was filed on October 9, 1896, and on December 2, 1896, the Commission rendered a decision denying the petition of the applicants; that from this decision an appeal was taken to the United States Court for the Central District of Indian Territory, which court, on August 24, 1897, rendered a judgment reversing the decision of the Commission, and directing that Varina Davis Potts, Mary

E. Potts and Edward Potts be enrolled as members of the Choctaw Tribe of Indians by blood.

He also says that William G. Potts, the husband of Varina E. Potts, appeared before the Commission at Durant, on August 18, 1899, and made application for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife, Varina E. Potts, and their minor children, Mary J. and William E. Potts as citizens by blood of the Choctaw Nation; that there was also filed with the Commission, on January 4, 1901, an application for the enrollment of Davis Lee Potts, born on December 23, 1900, the child of William G. and Varina E. Potts; that it does not appear from the records of his office that any application was made for the enrollment of the youngest child of William G. and Varina E. Potts, Sam E. Potts, as a citizen of the Choctaw Nation, within the time prescribed by the act of Congress, approved July 1, 1902 (32 Stats., 641).

He also says that the judgment of the United States Court of August 24, 1897, remained in full force and effect until it was vacated, set aside and held for naught by the decree of the Choctaw and Chickasaw Citizenship Court, on December 17, 1902, in the last case of the Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al., and that after the vacation of the judgment of the United States Court, the case was certified to the Citizenship Court for a trial de novo, where it was docketed as South McAlester case No. 94,

Verna D. Potts, et al., vs. the Choctaw and Chickasaw Nations.

He further reports that under the provisions of the act of Congress approved June 10, 1896, there was filed with the Commission, on September 7, 1896, the petition of Robert Jackson Cundiff, praying for the admission of himself and his minor son, Robert Sidney Cundiff, as citizens by blood of the Choctaw Nation, and for the admission of his wife, Louella Bell Cundiff, as a citizen by intermarriage of the Choctaw Nation; that this case was docketed as 1896 Choctaw citizenship case No. 206; that the Commission, on December 2, 1896, rendered a decision denying the petition of the applicants, from which decision an appeal was taken to the United States Court for the Central District of the Indian Territory, which Court, on August 24, 1897, rendered a judgment reversing the decision of the Commission, and directing that Robert J. Cundiff and his minor son, Robert Sidney Cundiff, be admitted and enrolled as citizens of the Choctaw Nation.

Robert J. Cundiff appeared before the Commission at Durant on August 18, 1899, and made application for the enrollment of himself and his minor son, Robert Sidney Cundiff, as citizens of the Choctaw Nation. The Commissioner says that the judgment of the United States Court admitting Robert J. Cundiff and his minor son, Robert Sidney Cundiff, to citizenship in the Choctaw Nation, remained in full force and effect until the rendition of the decree of

the Choctaw and Chickasaw Citizenship Court, of December 17, 1902, in the test case of the Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al., and that the case was subsequently certified to the Citizenship Court, where it was consolidated with the case of Verna D. Potts, et al., vs. the Choctaw and Chickasaw Nations, No. 98 on the South McAlester docket of that court.

In this case he says that the Choctaw and Chickasaw Citizenship Court, on March 21, 1904, rendered a decree adjudging that "Verna D. Potts, or Verena Davis Potts, Mary T. Potts, Wm. Edward Potts, or Edward Potts, Robt. T. Cundiff, or Robert J. Cundiff, and Robt. Sidney Cundiff, or Robert S. Cundiff," be declared not citizens of the Choctaw Nation and not entitled to such enrollment, or to any rights whatever flowing therefrom.

The opinion of the citizenship court in this case was rendered by Judge Foote and was concurred in by Chief Judge Adams, and Associate Judge Weaver, and in part finds:

It is plain that the claimant (Verna D. Potts) did not even live or reside in the Indian Territory when she petitioned for citizenship which is also fatal to her claim here. Another statement she makes is that her mother, Nancy L. Cundiff, did not come to this country, meaning the Indian Territory, until 1898, yet Mrs. Cundiff was made a citizen by the Choctaw Council in 1895.

The Commissioner mentions the fact that the Department has heretofore been furnished with certified copies of the opinion and decree of the citizenship court in the case of Verna D. Potts, et al., vs. Choctaw and Chickasaw Nation.

Further reporting, the Commissioner says that under the provisions of the act of Congress, approved June 10, 1896, there was filed with the Commission to the Five Civilized Tribes, on September 7, 1896, the petition of Samuel C. Arledge, praying for the admission to citizenship in the Choctaw Nation of Samuel C. Arledge, William F. Arledge and Walter F. Arledge. This case was docketed as 1896 Choctaw citizenship case No. 47; that the answer of the Choctaw Nation was filed on October 7, 1896, and on December 2, 1896, the Commission rendered a decision denying the petition of the applicants, from which decision no appeal was taken within the time prescribed by the act of Congress approved June 10, 1896 (29 Stat., 321); also that William Fisher Arledge and Walter F. Arledge were denied admission to citizenship in the Choctaw Nation by judgment of the United States Court for the Central District of Indian Territory of August 24, 1897 (Central District Citizenship Case No. 109).

The Commissioner does not find from the records of his office how the petitions of William F. Arledge and Walter F. Arledge were before the United States Court in Indian Territory, or by what process that court acquired jurisdiction over them; but that application was made to the Commission for the enrollment of William Fisher Arledge and Walter F. Arledge, as citizens by blood of the Choctaw Nation, under the provisions of the act of Congress, approved June 28, 1896, by their grandfather, William F. Condiff, at Durant, August 14, 1898; that no action was taken on this application.

for the reason that the applicants had been previously denied citizenship in the Choctaw Nation by the decision of the Commission and also by the judgment of the United States Court.

Subsequently, under the provisions of Section 32 of the act of Congress, approved July 1, 1902 (32 Stats., 641), William F. Arledge and Walter W. Arledge appealed from the judgment of the United States Court for the Central District of Indian Territory, to the Choctaw-Chickasaw Citizenship Court for a trial de novo, the case being consolidated with the case of P. D. Durant, et al., vs. Choctaw and Chickasaw Nations (Choctaw and Chickasaw Citizenship Court, Hunt-McAlester case No. 5).

Mr. Pixby also says that a decree was rendered by the citizenship court in the case of P. D. Durant, et al., vs. Choctaw and Chickasaw Nations on March 21, 1904, denying, among others, William Fisher Arledge, and Walter W. Arledge; that the opinion of the citizenship court in the P. D. Durant case was rendered by Associate Judge Beaver; and that certified copies of the decree and opinion of the citizenship court in that case have heretofore been furnished to the Department.

The Commissioner also reports that under the provisions of the act of Congress, approved June 10, 1896 (29 Stats., 321), there was filed with the Commission, on September 7, 1896, a petition for the admission of Sidney Johnson Gundiff and Idres J. Gun-

diff, his wife, as citizens by blood of the Choctaw Nation; that this case was docketed as 1896 Choctaw Citizenship Case No. 225; that the answer of the Choctaw Nation was filed on October 7, 1896, and on December 2, 1896, the Commission rendered a decision denying the petition; that from this decision an appeal was taken to the United States Court for the Central District of the Indian Territory, which court, on August 24, 1897, rendered a judgment affirming the decision of the Commission and denying the right to admission as citizens of the Choctaw Nation of Sydney J. Cundiff, and his wife, Idress J. Cundiff, as being non-residents of the Indian Territory.

Sydney J. Cundiff, on March 28, 1902, appeared before the Commission at Muskogee and made application for identification as a Mississippi Choctaw, and after the creation of the Choctaw and Chickasaw Citizenship Court he appealed under the 32nd section of the act of Congress approved July 1, 1902, to the citizenship court for a trial de novo of his right to enrollment as a citizen of the Choctaw Nation, and the Commissioner says that the petition was by the court consolidated with and made a part of the case of P. D. Durant, et al., vs. the Choctaw and Chickasaw Nations, and on the rendition of a decree in that case on March 21, 1904, Sydney J. Cundiff and Idress J. Cundiff were denied admission.

The Commissioner adds that the Commission to the Five Civilized Tribes on July 29, 1904, dismissed the application made by Sydney J. Cundiff for identification as a Mississippi Choctaw,

for the reason that the Choctaw and Chickasaw Citizenship Court had found in the case of P. D. Durant, et al., vs. the Choctaw Nation, that the claim of the applicants, by reason of being the descendants of a common ancestor, Jefferson Durant, was fraudulent, inasmuch as the evidence submitted to the citizenship court clearly showed that they were the descendants of one Jesse Durant. Sidney J. Cundiff, in his application for identification as a Mississippi Choctaw, claimed to be the descendant of Jefferson Durant.

Mr. Tully further says that all of these persons now desire a hearing on their right to enrollment as citizens of the Choctaw Nation, under the opinion rendered by the Assistant Attorney General for the Department of the Interior on December 2, 1905, in the Choctaw enrollment case of Louis Ross, et al.

He further says that the principal petitioner, Nancy Lee Cundiff, was admitted to citizenship in the Choctaw Nation by an act of the National Council approved November 8, 1900 (1900); that the petitioners, Robert J. Cundiff, Varina D. Potts and Sidney J. Cundiff, are the children of Nancy Lee Cundiff by her white husband, William J. Cundiff; that the petitioners, Mary J. Potts, William E. Potts, Davis E. Potts, Sam E. Potts, Robert S. Cundiff, and William F. Arledge, are the grandchildren of Nancy Lee Cundiff, and that the petitioner William C. Potts is a white man claiming his right as an intermarried citizen of the Choctaw Nation by reason of his marriage to Varina D. Potts.

Mr. Pixby reports that the names of none of the petitioners are found on any of the tribal rolls of the Choctaw or Chickasaw Nations in the possession of his office; that this examination was extended to the 1865 Choctaw census roll, the 1863 Choctaw leased district payment roll, the 1865 Choctaw census roll, the 1878 Chickasaw annuity payment roll, the 1893 Chickasaw leased district payment roll, and the 1896 Chickasaw census roll.

He asserts that the sole basis of the right to Choctaw citizenship of this family is the act of the Choctaw National Council of November 5, 1895, admitting Nancy Lee Cundiff to citizenship in the Choctaw Nation; that as to the petitioner, Nancy Lee Cundiff, the Commissioner has heretofore held, and this action has been affirmed by the Department, that she is not entitled to enrollment as a citizen of the Choctaw Nation, for the reason that she had not established her residence within the Indian Territory as prescribed by the act of Congress approved June 20, 1898. He also reports that at the time of the admission of Nancy Lee Cundiff to citizenship in the Choctaw Nation, Robert J. Cundiff was 23 years of age, Varina D. Fotts was 27 years old, and Sidney J. Cundiff was 16 years old, and that the names of none of these children of Nancy Lee Cundiff are mentioned in the act of the Choctaw Council of November 5, 1895.

He finds that the testimony on file in his office shows that Robert J. Cundiff and his son, Robert S. Cundiff, came from

Decatur, Texas, to Durant, Indian Territory, in the latter part of the year 1897, and remained for a few months, when they returned to Texas, but did not attempt to establish a residence in the Choctaw-Chickasaw country until about the month of October, 1898.

The testimony in reference to the removal of Varina B. Potts and her family from Texas to Indian Territory, he finds to be somewhat conflicting; that in one place she alleges that she removed from Decatur, Wise County, Texas, in 1898, while the testimony of her mother, Nancy Lee Cundiff, is to the effect that her family did not remove to the Indian Territory until October, 1898.

The records of the Commissioner's office are also reported to show that Sidney L. Cundiff, in his testimony of March 20, 1902, says that he is a resident of the State of Texas, and gives his postoffice address as Decatur, Texas, and that he further says that he was born in Texas and has lived there all of his life, with the exception of two years spent in the Chickasaw Nation, Indian Territory.

Finally, Mr. Pixby says that while the petition enclosed with the Department's letter of December 15, 1905, is not sworn to, he invites attention to the fact that the subsequent petition of Nancy Lee Cundiff was sworn to in Wise County, Texas, on January 23, 1906; that the petition of Robert J. Cundiff was sworn to in Wise County, Texas, on January 23, 1906; that the petition of William F. Arledge was sworn to in Cherokee County, Texas, on January 30,

1906; and that the petition of Sidney J. Cundiff was sworn to in Wise County, Texas, on January 22, 1906.

He expresses the belief that there is a very strong probability that none of these errors, with the possible exception of the family of William D. Dotie, have ever in any manner established a residence within the Indian Territory.

After having carefully considered the petition submitted by Riley and Kile, the Commissioner says he does not believe that they allege sufficient reasons to warrant the Department in granting the petitioners a hearing on their claim of right to enrollment as citizens of the Choctaw Nation under the opinion of the Assistant Attorney General for the Department of December 8, 1905, in the Choctaw enrollment case of Louis West, and he recommends accordingly that the petitions be denied.

The history of these cases, which is so fully set out in the report of the Commissioner, shows conclusively that those members of this family who were actually admitted to Choctaw citizenship by the tribal authorities never removed to and settled within the Choctaw-Thickasa country prior to June 25, 1896, and that those who were not admitted by act of the Choctaw National Council were never enrolled by the tribal authorities, or by any other competent tribunal, as citizens of the Choctaw Nation. Consequently they do not come within the scope of the opinion of the Assistant Attorney General in the Louis West case and are not entitled to review on the

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strength of the holding in that case.

For this reason I concur in the recommendation of the Commissioner.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KFM-Y.

Muskogee, Indian Territory, April 25, 1906.

Sidney J. Cundiff,
Decatur, Texas.

Dear Sir:

You are hereby advised that on April 11, 1906, the Secretary of the Interior denied the petition submitted by Chilion Riley, of Ardmore, Indian Territory, and Sam Houston Kyle, of Durant, Indian Territory, praying for a review and rehearing in the matter of your application for enrollment as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

No. 5014

For Identification as a Mississippi Choctaw.

Date

MAR 28 1902

Name Sidney J. Cundiff. -

Age 33

Blood 1/8

Post Office, Decatur, Texas,

Father: William H. Cundiff d

Mother: Nancy Lee " l

— Claims through mother —
wife.

~~John~~ Address J. Cundiff l. w.

No claim for wife.

~~Wife:~~

Claims for self
alone

Stenographer G. Rosemire

Choctaw MCR 5015

William H. Dunn.

See MCR 41

MCR 5015

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 28, 1902.

5015

In the matter of the application for identification as Mississippi Choctaws of William H. Dunn for himself and his three minor children Rufus E., Bessie I., and Dora E. Dunn.

Applicants represented by attorney L. P. Hudson.

William H. Dunn being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A William H. Dunn.
Q What is your age? A Thirty-four.
Q Are you married? A Yes, sir.
Q How many children do you make application for under twenty-one and unmarried? A Three.
Q What is your post office address? A Duncan, Indian Territory.
Q How long have you lived in Duncan? A Four years.
Q Where were you living before that? A One year at Ryan and before that in Texas.
Q Were you born in Texas? A No, sir.
Q Where were you born? A Either in Mississippi or Alabama, I don't know which. I came away from there when I was four years old.
Q You know what place in Mississippi or Alabama? A No, sir.
Q You know whether it was in the old Choctaw Nation or not? A No, sir.
Q How long did you live in Mississippi or Alabama? A I left there and came to Texas when I was four years old.
Q Before you came to the Indian Territory did you live in Texas? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A John H. Dunn.
Q What is your mother's name? A Mary Dunn.
Q Through which parent do you claim Choctaw blood? A I claim it through my father.
Q How much Choctaw blood do you claim? A I could not tell you.
Q You don't know? A No, sir; I don't.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Can you tell when and where your father and mother were married? A They were married as I spoke about my birth, either in Mississippi or Alabama, I could not tell exactly which.
Q You don't remember the place or county? A No, sir.
Q You remember the date of their marriage? A I could give it approximately.
Q About when? A They was married about thirty-five years ago.
Q By a minister and under a license? A Yes, sir.

#2

Q You think you produce that evidence if given a reasonable time? A Yes, sir.

A reasonable time is allowed for that purpose.

Q Are you married? A Yes, sir.
Q Your wife living? A Yes, sir.
Q She an Indian or white woman? A White woman.
Q What is her name? A Ollie.
Q O-l-l-i-e? A Yes, sir.
Q Ollie Dunnis Right? A Yes, sir.
Q You make no claim for your wife? A No, sir.
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A I have three.
Q What is the name of the oldest? A Rufus E. Dunn.
Q R-u-f-u-s? A Yes, sir.
Q How old is he? A Thirteen.
Q What is the name of the next? A Bessie I. Dunn.
Q How old? A Eleven.
Q What is the name of the next? A Dora E. Dunn.
Q How old? A Nine.
Q That is all? A Yes, sir.
Q There are no others at your home that you want to make application for? A No, sir.
Q You claim for yourself and these children? A Yes, sir.
Q Is Ollie Dunn the mother of these children? A Yes, sir.
Q You are their father? A Yes, sir.
Q Are you and your wife living together as husband and wife? A Yes, sir.
Q These children live with you? A Yes, sir.
Q Wasshe ever married before her marriage to you? A No, sir.
Q Were you ever married before you married her? A No, sir.
Q When and where were you married to your wife? A Montague County Texas? A Yes, sir.
Q What date? A Here is proof of the marriage.
Q You have proof of that marriage with you? A Yes, sir.
Q Is this a certified copy of the marriage between yourself and your wife? A Yes, sir.
Q You want to introduce it as evidence at this time? A Yes, sir.

Certified copy of the marriage license and certificate of the marriage of W. H. Dunn and S. O. Cobb presented by applicant, received, filed marked exhibit "A" and made a part of the record in this case.

Q Is W. H. Dunn, named in this copy of the marriage license intended to be your name? A Yes, sir.
Q And W. H. Dunn is the same person as William H. Dunn? A Yes, sir.
Qx Who is S. O. Cobb whose name appears in the marriage license? A My wife.
Q Is Ollie Dunn and S. O. Cobb the same person? A Yes, sir.
Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.

- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Well I don't understand that article of 1830.
- Q You don't understand that treaty well enough to know whether you claim under the whole treaty or under any particular part of it? A No, sir.
- Q You know what a treaty is? A I have an idea?
- Q A treaty is a compact made between two or more Nations instead of individuals? A Yes, sir.
- Q Nations may make contract as well as persons and when they do make a contract it is called a treaty?

Such a treaty was made between the United States government and the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama at a place called Dancing Rabbit Creek in that state, on the 27th of September 1830. The principal object for which that treaty was made was to remove all the Choctaw Indians as far as practicable from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory under that treaty with the other Indians and in order to protect the interest of these Indians article fourteen was drafted and put into the treaty of 1830. The treaty was then signed, in September of that year, 1830 and later on the 24th day of February 1831 was ratified. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand that article now? A Thoroughly well, Yes, sir.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A Not to my knowledge.
- Q You claim under that article as you understand it? A Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Through my grandmother.
- Q What was her name? A Malinda Dunn.

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- Q How much Choctaw blood did she have? A That, I could not say.
- Q Did you never hear in the family? A I could not say that I did.
- Q Did you hear that she was a Choctaw Indian? A They claimed that she was a Choctaw Indian? A
- Q But did not know how much Choctaw blood she was possessed of? A No, sir.
- Q Did she live in Mississippi or Alabama? A Mississippi is my understanding.
- Q Did she live in Mississippi in 1830? A I could not say.
- Q What did you ever hear in the family as a matter of family history and tradition about her having lived in Mississippi in 1830? A I could not say that I heard that she lived there in 1830.
- Q You never heard that she or any of your Choctaw ancestors lived in Mississippi in 1830 and were heads of families there then? A I could not be positive about that.
- Q You claim through your father? A Yes, sir.
- Q This Malinda Dunn was his mother? A Yes, sir.
- Q How old is your father now? A Father is about fifty-four or five, I could not be positive.
- Q Was he born in Mississippi? A Yes, sir.
- Q Did he have any older brothers or sisters or has he any? A Three brothers and one sister, one of them is older.
- Q How much older was this one than your father? A Some four years I think has been my understanding.
- Qx Now what evidence have you if any that Malinda Dunn your grandmother lived in Mississippi in 1830 and had a family of children there then? A Well I have just simply been told that she lived in Mississippi back in those days but I don't know about the dates.
- Q Did she claim through her father or mother? A I don't know.
- Q You are not able to go back further than Malinda Dunn your grandfather? A No, sir.
- Q You rely then upon the proof in the cases of other applicants who are relatives of yours and who claim through the same common ancestor to show your ancestry? A Yes, sir.
- Q Do you know whether any of your Choctaw ancestors lived in Mississippi or Alabama in 1830 and had any improvements on land there at that time? A I could not say.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors to your knowledge go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian territory with the other Indians between 1833 and 1838 or forty? A Not to my knowledge.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I can't answer that.
- Q Did any of them claim any land in Mississippi or Alabama or own any under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors claim any benefits of any kind under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A Not that I know of.

In 1837, by act approved March 3, of that year, a Commission was appointed by Congress which went to the state of Mississippi and heard claimants under article fourteen of the treaty of 1830 and made lists of their names. In 1842, under act of Congress approved August 23, of that year another Commission was appointed by Congress for the same purpose. These Commissions were appointed to hear those Choctaw Indian claimants who claimed that they had gone before Colonel Ward, the United States Indian Agent, at his agency in Mississippi, within six months after the ratification of the treaty of 1830 and had, at that time, told him that they wanted to remain in Mississippi, take land there and become citizens of the United States, but that he had failed to put their names upon his list known as Ward's register and because of his failure to do so, they and other Indians who had land in Mississippi had their land taken from them by the government and sold at its public land sales. On account of this wrong done them and the complaints made these Commissions were appointed; one in 1837 and another in 1842.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen of that treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors receive any scrip or certificate from the government under the act of Congress approved August 23, 1842, which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had formerly had in Mississippi which the government had taken from them and sold? A Not that I know of.
- Q Will you give me the names of some of your relatives who have appeared before the Commission claiming through the same common ancestor through whom you claim; any brothers of yours? A Henry E. Dunn is my brother; he is here to-day and John K. Dunn.

Reference is here made to Henry E. Dunn M.C.R. 4998.

- Q Also others that you do not now recall? A Yes, sir.
- Q They claim through Malinda Dunn? A Through Malinda Dunn.

Attorney says "Yokotubbee?"

- Q Have you any evidence that you want to introduce now or any witnesses you want to call in support of your application? A--

Here L. P. Hudson asks leave to file written evidence in support of this claim in the near future.

Motion is granted.

- Q Do you speak the Choctaw language? A No, sir.
- Q Is there anything further you want to say now? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. He does not understand the Choctaw language and has no knowledge or compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkl being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he

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reported in full all the proceedings had in the above entitled cause on March 28, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

G. Rosewin Kel

Subscribed and sworn to before me this 21st day of April 1902.

Clara Mitchell Wood

Notary Public.

COPY.

M.C.R. 5015

Muskogee, Indian Territory, February 17, 1903.

William H. Dunn,

Duncan, Indian Territory.

Dear Sir:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R. 41
Annie Catherine Colclasure, et al.,	M.C.R. 43
John H. Dunn, et al.,	M.C.R. 42
Mollie C. Little, et al.,	M.C.R. 5569
William H. Dunn, et al.,	M.C.R. 5015
Henry E. Dunn, et al.,	M.C.R. 4998
John H. Fraley, et al.,	M.C.R. 5894
William A. Fraley, et al.,	M.C.R. 5915
Ida Y. Moore, et al.,	M.C.R. 5896
Mollie J. Perrymore, et al.,	M.C.R. 5895
John Fraley, et al.,	M.C.R. 6053
George W. Fraley,	M.C.R. 6054
Martha M. Thomas, et al.,	M.C.R. 4834
William Thomas,	M.C.R. 4836
Milton Thomas,	M.C.R. 4837
George M. Thomas,	M.C.R. 4838
William Been, et al.,	M.C.R. 4675
McClelland Been,	M.C.R. 4833
Jenettie M. Lathrum, et al.,	M.C.R. 4836
William W. Lee, et al.,	M.C.R. 5567
Otis Lee, et al.,	M.C.R. 4967
Inez G. Curley, et al.,	M.C.R. 5541
Ob Dunn, et al.,	M.C.R. 5274
Arlena M. Kreipke, et al.,	M.C.R. 6219
John F. Zachery,	M.C.R. 6220
Irene J. Zachery, et al.,	M.C.R. 6217
Anna Belle Zachery,	M.C.R. 6218

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda I. Dunn, Annie Catherine Colclasure, Jennie Colclasure, Ottie Colclasure, Gracie Colclasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Bernie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida P. Moore, Pearl E. Moore, Mollie J. Perrymore, Thomas E. Perrymore, Bue Perrymore, Ora K. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank W. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Nora H. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George C. Thomas, William Been, Emily J. Been, Josie Been, Eggie W. Been, McClelland Been, Jenettie M. Lathrum, Johnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Icil Lathrum, William W. Lee, William L. Lee, Alva E. Lee, Artie E. Lee, Silvester C. Lee, Mandak Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Larton Curley, Ob Dunn, Ura Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlena M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John P. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that

William H. Dunn, -2

the applications made by Judy H. Dunn for the identification of his wife, Nellie Dunn, and by Nellie G. Little for the identification of her husband, Willie Little, an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with your arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

James Dixby.

Acting Chairman.

Registered.

COPY.

MJ.R. 5015

Muskogee, Indian Territory, August 27, 1904.

William H. Dunn,

Duncan, Indian Territory,

Dear Sir:

You are hereby notified that on the 18th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

T. C. ...

Chairman.

No. 6722
Identification as a Mississippi Choctaw.

Date

MAR 28 1904

Name William H. Hurn.

Age 34 — Blood don't know.

Post Office, Huncan, I. T.

Father: John N. Hurn. l.

Mother: Mary " l.

Claims through father —
wife.

Ollie Hurn. l.w.

Claims nothing for
wife.

Children:

Refus E. Hurn, 13

Bessie I. " 11

Alora E. " 9

Claims for self &
children

Stenographer W. Rosemire

Choctaw MCR 5016

Clementine Fish

See MCR 5618

MCR 5016

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 29, 1902.

5016

In the matter of the application for identification as Mississippi Choctaws of Clementine Fish for herself and her three minor children, Willie, Grover Cleveland, and Mamie Myrtle Fish.

L. P. Hudson, attorney appearing for applicants.

Clementine Fish having been first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Clementine Fish.
Q What is your age? A Forty-seven.
Q What is your post office address? A Newburg.
Q Indian territory? A Yes, sir.
Q How long have you lived in Newburg? A Four years I believe.
Q How long have you lived in the Territory? A About sixteen years.
Q Where did you live before you lived in Newburg? A We was from Johnson County, Arkansas.
Q You were born in Arkansas? A No, sir.
Q Where were you born? A In Tennessee, Bedford County.
Q From Tennessee you went where? A Arkansas.
Q Howold were you when you went to Arkansas? A About sixteen as well as I remember.
Q You lived in Arkansas how long? A I don't remember.
Q About how long? A About fifteen or sixteen years I reckon.
Q Then did you go to the Territory? A Yes, sir.
Q Is your father living? A No, sir.
Q Is your mother living? A No, sir.
Q What was your father's name? A John William Adcock.
Q What was your mother's name? A Cynthia Adcock.
Q Through which parent do you claim Choctaw blood? A From both.
Q Both father and mother? A Yes, sir.
Q How much Choctaw blood do you claim? A Why two sixteenths I reckon.

By attorney Hudson.

- Q Three-sixteenths is it not? A Yes, sir.

By the Commission.

- Q Three-sixteenths? A Yes, sir.
Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A My parents.
Q Yes? A Not that I know of.
Q Have you proof of the marriage of your father and mother with you? A No, sir.

#2

Q Can you introduce that proof later? A I might I won't promise you.

A reasonable time is allowed you for that purpose.

- Q You know when and where your parents were married? A No, sir; I don't know that I do.
- Q Were they married by a minister and under a license do you know? A I don't know.
- Q Is your husband living? A Yes, sir.
- Q Do you claim Choctaw blood for him or is he a white man? A He is a white man.
- Q What is his name? A William Fish.
- Q No claim for him then? A No, sir.
- Q What is the name of your oldest child that you want to make application for? A Willie Fish.
- Q Is that a boy? A No, sir; it is a girl.
- Q How old is she? A Eighteen.
- Q Not married is she? A No, sir.
- Q What is the name of the next child? A Grover Cleveland Fish.
- Q How old is he? A Sixteen.
- Q Next? A Mamie Myrtle.
- Q How old is she? A Thirteen.
- Q That is all is it? A Yes, sir.
- Q Is William Fish the father of these children? A Yes, sir.
- Q Are they living with you at your home? A Yes, sir.
- Q Were either of you married before you married each other? A No, sir.
- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your children to the Choctaw tribal authorities? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission for yourself and children under the act of Congress of June 10, 1896? A No, sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q You now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A I don't know anything about that.
- Q You know that a treaty was made in 1830 between the Choctaw Indians and the United States government? A I heard of it.

That treaty was made at the time of the removal of these Indians from that Country East of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of these Indians, who wanted to stay back in the old Choctaw Nation, some provision had to be made in the treaty and it was called article fourteen. That article was put into the treaty for the especial benefit of those Choctaw Indians who stayed back in the old Choctaw Nation and reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the

ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by section lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You claim under that article now do you think after hearing it read and explained or do you claim under the whole treaty? A (by attorney; you can only claim under that article) A Yes.
- Q You claim under that do you? A Yes, sir.
- Q You think you understand now? A Yes, I think I do.
- Q Did any of your ancestors comply with the provisions of that article or try to? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Grandparents you mean?
- Q Yes? A Posey.
- Q What is the full name? A Phoebe I believe. I forgot their names.
- Q Can you remember the name of your grandfather through whom you claim now? A Yes, sir.
- Q What is it? A Bartley Posey.
- Q What relation was he to you? A Grandfather.
- Q How much Choctaw blood did he have, if you know? A Well, I don't know.
- Q Was he your father's father or your mother's mother? A Mother's father.
- Q Do you claim Choctaw blood through your father's people? A I think so.
- Q How much do you claim on that side if you know? A Why, I don't know.
- Q What is the name of the ancestor on your father's side through whom you claim your right to be identified? A Annie Biddy.
- Q Annie Biddy? A Yes, sir.
- Q What relation was Annie Biddy to you? A Great grandmother.
- Q How much Choctaw blood did she have? A One-half I believe they claimed.
- Q Did Bartley Posey or Annie Biddy either of them live in Mississippi in 1830? A I think so.
- Q Was Bartley Posey the head of a family there at that time; that is, did he have a family of children living at that time? A I guess he did.
- Q Did Annie Biddy live in Mississippi and was she the head of a family there at that time? A I can't tell you that either.
- Q How old would your grandfather Bartley Posey be if living now? A I don't know.
- Q How old would your father John W. Adcock be if he were living? A In seventy somewhere.
- Q Was he born in Mississippi? A He was born in Tennessee I think.
- Q Did he remove to Mississippi? A No, sir.
- Q He always stayed in Tennessee? A Yes, sir.
- Q He claimed through which parent father or mother? A His grandparents I think.

#4

- Q Through his father or mother? A I don't know.
- Q Through whom did your mother Cynthia claim her Choctaw blood? From the Mahafies, I may be mistaken about it.
- Q You don't know then whether that is right? A No, sir.
- Q Can you tell anything further about your mother Cynthia's Choctaw ancestors? A No, sir.
- Q Do you know who of them lived in Mississippi? A No, sir.
- Q Or when they left there? A No, sir.
- Q How old would your mother be if living now? A She would be seventy-two.---I don't know exactly how old.
- Q Where was she born? A I don't believe I could tell you.
- Q Did she live in Mississippi at any time? A Not that I know of.
- Q Give me the names of the parents through whom she claimed Choctaw blood; do you know? A No, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory under the treaty with the other Indians between 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors own or claim any land in Mississippi or Alabama in the old Choctaw Nation either under article fourteen of the treaty of 1830, or under any other article of that treaty or under the supplement of it? A Not that I know of.
- Q Did they ever claim any benefits under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A No, sir.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen to go to the United States Indian Agent within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, proposed to take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register and as the result of his failure to do so a good many Indians who had land in Mississippi, upon which they had improvements had both their land and the improvements taken from them by the government and sold at its public land sales. This caused a great many complaints among the Indians and as the result of these complaints Congress in 1837 appointed a Commission under an act approved March 3rd of that year and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23, of that year. This Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits under article fourteen? A Not that I know.
- Q Did any of your Choctaw ancestors receive any scrip from the government or certificates which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had had in the old Choctaw Nation and which the government had taken from them? A No, sir.

#5

- Q This scrip was issued under an act of Congress approved August 23rd 1842. Can you give the names of any of your relatives who have appeared before the Commission to be identified as Mississippi Choctaws claiming through the same ancestor through whom you claim, Mary Ann McDougal? A Yes sir.

Reference is here made to Mary McDougal, M.C.R. 4969.

- Q You have other relatives I presume who have appeared here who claim through the same common ancestor or ancestors? A Yes, sir.
Q You want to have these cases all considered with yours? A Yes, sir.
Q Have you any evidence you want to introduce now in support of this claim? A----

Here L. P. Hudson, attorney for applicants, asks leave to file written evidence in support of this claim in the near future.

A reasonable time is allowed for the introduction of further testimony.

- Q Do you speak the Choctaw language? A No, sir.
Q Is there anything further that you would like to say in support of this claim? A No, sir; I guess not.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium dark complexion, gray eyes, brown hair. She does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full, all the proceedings had in the above entitled cause on March 29th 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 22nd day of April 1902.

Wm. H. Hill

Notary Public.

Copy

Muskogee, Indian Territory, April 15, 1903.

Clementine Fish, .

Newburg, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry N. Posey, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry N. Posey	M.C.R. 5618
Sarah Mathis, et al.	M.C.R. 5276
Lizzie Harger, et al.	M.C.R. 5639
Warner W. Mathis	M.C.R. 5637
Andrew Mathis	M.C.R. 5639
Sallie Nichols, et al.	M.C.R. 5640
Oliver K. Posey, et al.	M.C.R. 5271
Sarah Etta Moore, et al.	M.C.R. 5602
Mary V. Dear, et al.	M.C.R. 5601
Susan Ettie McKinley, et al.	M.C.R. 5603
William C. Posey	M.C.R. 5604
Mattie L. Cates, et al.	M.C.R. 5599
Penola V. Cates	M.C.R. 5600
Mary McDougal, et al.	M.C.R. 4969
Maggie Kuykendol, et al.	M.C.R. 5020
Alva McDougal	M.C.R. 5021
Homer H. McDougal, et al.	M.C.R. 5022
Stephen N. Adcock, et al.	M.C.R. 4970
Clementine Fish, et al.	M.C.R. 5016
Maggie Johnston, et al.	M.C.R. 5017
Stephen A. Fish	M.C.R. 5018
Maud Hull	M.C.R. 5019
Elijah A. Posey, et al.	M.C.R. 5613
Yancy A. Posey	M.C.R. 5617
Nancy I. Hull	M.C.R. 5605
Rosetie Cherry, et al.	M.C.R. 5606
Lula Reardon, et al.	M.C.R. 5620

Clementine Fish, --2

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 485), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry N. Posey, Sarah Mathis, Walter Glenn Mathis, Lizzie Harger, Lawrence Harger, Clarence Harger, Darven Harger, Warner W. Mathis, Andrew Mathis, Sallie Nichols, Lorena Nichols, Oliver K. Posey, Oliver K. Posey, Jr., Isaiah T. Posey, Bulah E. Posey, Gracey M. Posey, Dovey M. Posey, Henry H. Posey, Clarence Posey, Claudie Posey, Sarah Etta Moore, Laura V. Moore, Ollie Franklin Moore, Elvin Winslow Moore, Mary V. Dear, Minnie Lenora Dear, William Leonard Dear, Zulah Dear, Andrew Wealey Dear, Josie Dear, Susan Etie McKinley, Homer H. McKinley, William C. Posey, Mattie L. Gates, Mansel Gates, Penola V. Gates, Mary McDougal, Frank F. McDougal, Magnus McDougal, Maggie Kuykendol, Tyre Kuykendol, Willie May Kuykendol, Jessie Kuykendol, Alva McDougal, Homer H. McDougal, Nancy Ellen McDougal, Stephen W. Adcock, John Pinkney Adcock, Clementine Fish, Willie Fish, Grover Cleveland Fish, Mamie Myrtle Fish, Maggie Johnston, Mamie Johnston, Pearl Johnston, Willie Johnston, Stephen A. Fish, Maud Hull, Elijah A. Posey, Elbert G. Posey, Seburn L. Posey, Mary A. Posey, Sarah V. Posey, Thomas A. Posey, Marion F. Posey, Walter L. Posey, Charles W. Posey, Josey E. Posey, Leroy McQ Posey, Yancy A. Posey, Nancy I. Null, Rosezette Cherry, Arthur Lee Cherry, Roy Cherry, Maggie Isabelle Cherry, Minnie Frances Cherry, Lula Reardon, James Reardon and Charles Reardon as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

Clementine Fish, —3

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.

M.C.R. 5018.

COPY:

Muskogee, Indian Territory, December 11, 1903.

Clementine Fish,

Newburg, Indian Territory.

Dear Madam:

You are hereby notified that on the 30th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry M. Posey et al., of which decision you were advised by registered mail on the 15th day of April, 1903.

Respectfully,

DJ

Chairman.

No. 5016

For Identification as a Mississippi Choctaw.

Date

MAR 2 1902

Name *Clementine Fish*.

Age *47-* Blood *$\frac{3}{16}$*

Post Office, *Newborg, L. I.*

Father: *John W. Adcox* d

Mother: *Cynthia* " d

Claims through *both parents -*
Husband

William Fish, L. W.

No claim for husband

Children:

Willie Fish (F.) 18

Grover C. " (M) 16

Mamie M. " (F.) 13

Claims for self &
children

Choctaw MCR 5017

Maggie Johnston

See MCR 5618

MCR 5017

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 29, 1902.

5017

In the matter of the application for identification as Mississippi Choctaws of Maggie Johnston for herself and her three minor children, Mamie, Pearl and Willie Johnston.

L. P. Hudson attorney for applicants.

Maggie Johnston being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Maggie Johnston.
Q What is your age? A Twenty-seven.
Q What is your post office address? A Newburg.
Q Indian Territory? A Yes, sir.
Q How long have you lived there? A Just this year.
Q How long have you lived in Indian Territory? A About fifteen or sixteen years.
Q Where have you lived most of the time? A Choctaw Nation.
Q Where were you born? A In Arkansas.
Q At what place in Arkansas? A Johnson County.
Q Lived there until you came to the Territory? A Yes, sir.
Q How long did you live in Arkansas? A Until I was eleven years old I think.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A William Fish.
Q What is your mother's name? A Clementine Fish.
Q Your mother has just made application to be identified as a Mississippi Choctaw this date has she not? A Yes, sir.
Q You claim your Choctaw blood through her? A Yes, sir.
Q How much Choctaw blood do you claim? A I don't know.

By attorney.

- Q Your mother claimed three-sixteenths you would be one-half of that? A Yes, sir.

By the Commission.

- Q If she claimed three sixteenths, you would claim one-half of that you know how much that would be? A

By attorney.

Three sixteenths.

By the Commission.

- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A No, sir; I guess not.
- Q Are you married? A Yes, sir.
- Q Is your husband living? A Yes, sir.
- Q White man or Indian? A White man.
- Q What is his name? A Miranda D. Johnston, M.D. Johnston.
- Q Do you make any claim for him? A No, sir.
- Q How many children have you that you want to make application for? A Three.
- Q What is the name of the oldest? A Mamie.
- Q M-a-m-i-e? A Yes, sir.
- Q Mamie Johnston? A Yes, sir.
- Q How old is Mamie? A Six years old.
- Q What is the name of the next? A Pearl.
- Q How old is Pearl? A Four.
- Q Next? A Willie.
- Q Boy? A Yes, sir.
- Q How old is he? A I don't know just exactly, he is over a year old.
- Q You claim for yourself and these children do you? A Yes, sir.
- Q Were you married, or your husband, previous to your marriage with each other? A No, sir.
- Q These children live with you at your home? A Yes, sir.
- Q Is your name or that of your oldest child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship for yourself and your oldest child to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and this oldest child to the Dawes Commission under the act of Congress of June 10, 1896; you never did, did you? A I have not made no application.
- Q Have you ever been admitted to citizenship in the Choctaw Nation with your children, by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q You now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830; claim under that article that was read? A Yes, sir.
- Q You understand that article? A Why I guess I do, --about as well as I could.
- Q You think you understand it sufficiently without a further explanation? A I don't know.

The treaty of 1830, some times called the treaty of Dancing Rabbit Creek, because it was made at a place called Dancing Rabbit Creek in that state of Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw Indians. It was made for the purpose of removing all of the Choctaw Indians, from the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect their interest article fourteen was drafted and put into the treaty. The treaty was then signed and afterwards with that article in it was ratified on February 24, 1831. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand that now sufficiently to claim under it? A Ain't that what they all claim under?
- Q Nothing else to claim under; that article was put into the treaty for the especial benefit of Mississippi Choctaws, it is the only authority under which the Commission can identify at the present time; you think you claim under it do you? A Yes, sir.
- Q Did any of your ancestors comply or attempt to comply with any of the provisions of that article, do you know? A I don't know.
- Q What is the name of your ancestor or ancestors through whom you claim your right to be identified as a Mississippi Choctaw? A My mother is all I know.
- Q You know anything about your more remote ancestor? A No, sir.
- Q Do you know through whom your mother claims? A Through her mother and father both I think.
- Q Can you give me the name of any of your mother's ancestors who lived in Mississippi in 1830? A I can give the name of her father and mother but I don't know whether they lived in Mississippi or not.
- Q What is the name of your mother's father? A Adcock.
- Q Full name? A John William.
- Q What is the name of her mother? A Cynthia.
- Q Can you give me the name of John W. Adcock's father? A No, sir.
- Q Mother? A No, sir.
- Q Can you give me Cynthia Adcock's father's name? A Posey.
- Q Can you give me her mother's name? A No, sir.
- Q Can you give me the name of any of your Choctaw ancestors who were heads of families in Mississippi in 1830? A No, sir.
- Q You have no further knowledge of the names or any further information in regard to your ancestors than you have given? A No, sir.
- Q You can't tell anything about whether or not any of her ancestors owned any improvements on land in Mississippi or Alabama in 1830? A No, sir.
- Q Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation, East of the Mississippi River, to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.

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- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did they claim any land in Mississippi or Alabama under any other article than article fourteen or under the supplement of that treaty? A Not that I know of.
- Q Did they claim any benefits under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A No, sir.

In 1837, by act approved March 3, of that year, a Commission was appointed by Congress to go to Mississippi and hear claimants under article fourteen of the treaty of Dancing Rabbit Creek. In 1842 Congress appointed another Commission under an act approved August 23, of that year and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830. These Commissions were appointed by Congress for the purpose of hearing Choctaw Indian claimants who stated that they had gone before Colonel Ward, the Indian Agent in Mississippi within six months from the ratification of the treaty of 1830 and attempted to register their names with him as Indians who wanted to comply with article fourteen of the treaty of 1830, but that he had failed to put their names upon his list known as Ward's register and his failure to do so caused the government to take their land from them and to sell it at its public land sales.

- Q Do you know whether any of your Choctaw ancestors appeared before either of these Commissions, that of 1837 or the Commission of 1842 and claimed benefits under article fourteen of that treaty? A No, sir; I do not.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen if it was also further shown that he had had land in Mississippi which the government had taken from him and sold that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government lands and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government? A Not that I know of.
- Q Who is Mary McDougal? A My mother's sister.
- Q She has made application to be identified? A Yes, sir.

Number 4969 is here referred to.

- Q Have other relatives of yours also made application before the Commission to be identified as Mississippi Choctaws? A My uncle.
- Q Do you want to have the testimony in all the cases of your relatives considered with yours where all claim through the same ancestor? A Yes, sir.
- Q Have you any evidence that you want to introduce further at this time? A --

Here L. P. Hudson, attorney for applicants, asks leave to file written evidence in support of this claim in the near future.

Motion is granted.

#5

- Q Do you speak the Choctaw language? A No, sir.
Q Is there anything further you would like to state now in support of your claim? A No, sir; I guess not.
Q Are your eyes blue or gray? A -----

This applicant has the appearance and physical characteristics of being descended from white parentage; medium dark complexion; gray eyes; dark brown hair. She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 29, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 22nd day of April 1902.

Clara M. Fullwood

Notary Public.

(copy)

Muskogee, Indian Territory, April 15, 1903.

Maggie Johnston,

Newburg, Indian Territory.

Dear Madam:

You are hereby advised that on the 15th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry N. Posey, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry N. Posey	M.C.R. 5618
Sarah Mathis, et al.	M.C.R. 5276
Lizzie Harger, et al.	M.C.R. 5639
Warner W. Mathis	M.C.R. 5637
Andrew Mathis	M.C.R. 5638
Sallie Nichols, et al.	M.C.R. 5640
Oliver K. Posey, et al.	M.C.R. 5271
Sarah Etta Moore, et al.	M.C.R. 5802
Mary V. Dear, et al.	M.C.R. 5601
Susan Ettie McKinley, et al.	M.C.R. 5803
William C. Posey	M.C.R. 5604
Mattie L. Gates, et al.	M.C.R. 5599
Penola V. Gates	M.C.R. 5600
Mary McDougal, et al.	M.C.R. 4969
Maggie Kuykendol, et al.	M.C.R. 5020
Alva McDougal	M.C.R. 5021
Romer H. McDougal, et al.	M.C.R. 5022
Stephen N. Adcock, et al.	M.C.R. 4970
Clementine Fish, et al.	M.C.R. 5016
Maggie Johnston, et al.	M.C.R. 5017
Stephen A. Fish	M.C.R. 5018
Maud Hull	M.C.R. 5019
Elijah A. Posey, et al.	M.C.R. 5613
Yancy A. Posey	M.C.R. 5617
Nancy I. Hull	M.C.R. 5605
Roseettie Cherry, et al.	M.C.R. 5606
Lula Reardon, et al.	M.C.R. 5680

Maggie Johnston, --2

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry N. Posey, Sarah Mathis, Walter Glenn Mathis, Lizzie Harger, Lawrence Harger, Clarence Harger, Darven Harger, Warner W. Mathis, Andrew Mathis, Sallie Nichols, Lorena Nichols, Oliver E. Posey, Oliver K. Posey, Jr., Isaiah T. Posey, Bulah E. Posey, Gracey M. Posey, Dovey M. Posey, Henry H. Posey, Clarence Posey, Claudie Posey, Sarah Etta Moore, Laura V. Moore, Ollie Franklin Moore, Elvin Winslow Moore, Mary V. Dear, Minnie Lenora Dear, William Leonard Dear, Zulah Dear, Andrew Wesley Dear, Josie Dear, Susan Ettie McKinley, Homer H. McKinley, William C. Posey, Mattie L. Cates, Mansel Cates, Penola V. Cates, Mary McDougal, Frank F. McDougal, Magnus McDougal, Maggie Kuykendol, Tyre Kuykendol, Willie May Kuykendol, Jessie Kuykendol, Alva McDougal, Homer H. McDougal, Nancy Ellen McDougal, Stephen N. Adcock, John Pinkney Adcock, Clementine Fish, Willie Fish, Grover Cleveland Fish, Mamie Myrtle Fish, Maggie Johnston, Mamie Johnston, Pearl Johnston, Willie Johnston, Stephen A. Fish, Maud Hull, Elijah A. Posey, Elbert G. Posey, Seburn L. Posey, Mary A. Posey, Sarah V. Posey, Thomas A. Posey, Marion F. Posey, Walter L. Posey, Charles W. Posey, Josey E. Posey, Leroy McQ Posey, Yancy A. Posey, Nancy I. Null, Rosezette Cherry, Arthur Lee Cherry, Roy Cherry, Maggie Isabelle Cherry, Minnie Frances Cherry, Lula Reardon, James Reardon and Charles Reardon as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

Maggie Johnston, --3

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Bixby.
Chairman.

Registered.

M.O.R. 8017.

COPY!

Muskogee, Indian Territory, December 11, 1903.

Maggie Johnston

Newburg, Indian Territory.

Dear Madam:

You are hereby notified that on the 30th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry M. Posey et al., of which decision you were advised by registered mail on the 15th day of April, 1903.

Respectfully,

101
L. D. Dickey.
Chairman.

No. 5017

For Identification as a Mississippi Choctaw.

Date

Nov 5 1912

Name *Maqqie Johnston,*

Age *27*

Blood *3/32*

Post Office *Newburg, L. T.*

Father: *William Fick L.*

Mother: *Clementine " L.*

~~Husband.~~ Claims through mother

M. H. Johnston, L. W.

No claim for husband.

Children:

Mamie Johnston, 6

Pearl " 4

Willie " M. 1

*Claims for self
and children*

Stenographer *E. Roemmich*

Choctaw MCR 5018

Stephen A. Fish

See MCR 5618

MCR 5018

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 29, 1902.

5018

In the matter of the application for identification as a
Mississippi Choctaw of Stephen A. Fish.

L. P. Hudson attorney appearing for applicant.

Stephen A. Fish being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Stephen A. Fish.
Q What is your age? A Twenty-three.
Q What is your post office address? A Newburg, Indian Territory.
Q How long have you lived there? A Three years.
Q Where did you live before you lived there? A Pocola Indian Territory.
Q How long did you live there? A Eleven or twelve years.
Q Where were you born? A Arkansas.
Q What place in Arkansas? A Dawson County.
Q At what age did you remove to the Indian Territory? A Nine years I think.
Q Is your father living? A Yes, sir.
Q Is your mother the same Clementine Fish who has to-day made application to be identified as a Mississippi Choctaw? A Yes sir.
Q You claim through her? A Yes, sir.
Q How much Choctaw blood do you claim? A I can't answer that question; one-half of what my mother claims.
Q Three-thirty-seconds, do you think? A Yes, sir.
Q What is your father's name? A William Fish.
Q Your mother's name is Clementine? A Yes, sir.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know.
Q Are you married? A Yes sir.
Q Your wife's name is what? A Lula.
Q You claim that she is a Choctaw Indian or is she a white woman? A She claims to be Indian but I am not making any claim for her at present.
Q You have no children? A No, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation

by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A I have not.

Q Do you now come before the Commission to identify yourself as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830; that article that was read? A Yes, sir.

Q You understand that article of that treaty? A Yes, sir.

Q You care to have it explained further to you? A No, sir.

Q The article then without the explanation is as follows:

"Each Choctaw head of a family being desirous to remain, and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that, do you? A Yes, sir.

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article of that treaty? A No, sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw, going back now to the ancestor who lived in Mississippi if you know of any? A John W. Adcock, my grandfather.

Q He was your grandfather? A Yes, sir.

Q Through whom did he claim, his father or mother? A I could not answer that.

Q Did he live in Mississippi? A I don't know.

Q Can you give me the name of any ancestor of yours on either side who lived in Mississippi in 1830 or in Alabama, in the old Choctaw Nation and who was the head of a family there then; do you know? A Nothing definite.

Q Have you ever heard any name of such ancestor in the family? A Yes, I heard that there was but I never paid any attention to it and could not give anything that would be of any importance.

Q Did you ever hear of a person named Bartley Posey? A Yes, sir.

Q You know who he was? A No, sir.

Q Did you ever hear the name Annie Bidby? A Yes, sir.

Q You know who she was? A No, sir.

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi and Alabama in the year 1830? A I don't know.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in that old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.

Q Did they own or claim any land in Mississippi or Alabama under any other article of that treaty than article fourteen or under the supplement of that treaty? A I don't know.

Q Did any of your Choctaw ancestors claim any benefits under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I don't know.

- Q Did they, any of them, go from that old Choctaw Nation, East of the Mississippi River, to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.

The Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of that article to go to the United States Indian Agent within six months from the ratification of this treaty and signify to him their intention to remain in Mississippi, take land there and become citizens of the United States. A great many Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register, so that all of these seven thousand Indians who did remain in the old Choctaw Nation after the others had gone to the Choctaw Nation Indian Territory, only the names of something like 142 heads of families appeared upon any list or lists made by Colonel Ward. This caused a good many Indians who had land in Mississippi to lose their land on account of Ward's neglect, for their land and improvements were taken from them by the government and sold at its public land sales. So many complaints were made that in 1837 Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 another Commission was appointed by Congress for the same purpose and this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did you ever hear that any of your Choctaw ancestors went before either of these Commissions and claimed benefits as Choctaw Indians under that treaty? A No, sir; I never did.
- Q Did any of your Choctaw ancestors receive any scrip from the government of the United States to replace land which they had formerly held in Mississippi and which the government had taken from them and sold at its public land sales. This scrip entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from any of the vacant government lands? A I don't know.
- Q Who is Mary McDougal? A My mother's sister.
- Q She has made application for identification as a Mississippi Choctaw? A Yes, sir.

Her number 4969 is here referred to.

- Q Others have also made application who claim through the same common ancestor that you do? A Yes, sir.
- Q Have you any other evidence you want to submit now? A No, sir.
- Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim in the near future.

Motion is granted.

- Q Do you speak the Choctaw language? A No, sir/
- Q Is there anything further that you would like to say now in support of this claim? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; medium light

brown hair. He has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 29th 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 22nd day of April 1902.

Charles Mitchell Wood

Notary Public.

COPY.

Muskogee, Indian Territory, April 15, 1903.

Stephen A. Fish,

Newburg, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry N. Posey, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry N. Posey	M.C.R. 5618
Sarah Mathis, et al.	M.C.R. 5276
Lizzie Harger, et al.	M.C.R. 5639
Warner W. Mathis	M.C.R. 5637
Andrew Mathis	M.C.R. 5638
Sallie Nichols, et al.	M.C.R. 5640
Oliver K. Posey, et al.	M.C.R. 5271
Sarah Etta Moore, et al.	M.C.R. 5602
Mary V. Dear, et al.	M.C.R. 5601
Susan Ettie McKinley, et al.	M.C.R. 5603
William C. Posey	M.C.R. 5604
Mattie L. Cates, et al.	M.C.R. 5599
Penola V. Cates	M.C.R. 5600
Mary McDougal, et al.	M.C.R. 4969
Maggie Kuykendol, et al.	M.C.R. 5020
Alva McDougal	M.C.R. 5021
Homer R. McDougal, et al.	M.C.R. 5022
Stephen N. Adcock, et al.	M.C.R. 4970
Clementine Fish, et al.	M.C.R. 5016
Maggie Johnston, et al.	M.C.R. 5017
Stephen A. Fish	M.C.R. 5018
Maud Hull	M.C.R. 5019
Elijah A. Posey, et al.	M.C.R. 5613
Yancy A. Posey	M.C.R. 5617
Nancy I. Hull	M.C.R. 5605
Roseetie Cherry, et al.	M.C.R. 5606
Lula Reardon, et al.	M.C.R. 5620.

Stephen A. Fish, --2

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry N. Posey, Sarah Mathis, Walter Glenn Mathis, Lizzie Harger, Lawrence Harger, Clarence Harger, Darven Harger, Warner W. Mathis, Andrew Mathis, Sallie Nichols, Lorena Nichols, Oliver K. Posey, Oliver K. Posey, Jr., Isaiah T. Posey, Bulah E. Posey, Gracey M. Posey, Dovey M. Posey, Henry H. Posey, Clarence Posey, Claudie Posey, Sarah Etta Moore, Laura V. Moore, Ollie Franklin Moore, Elvin Winslow Moore, Mary V. Dear, Minnie Lenora Dear, William Leonard Dear, Zulah Dear, Andrew Weasley Dear, Josie Dear, Susan Ettie McKinley, Homer H. McKinley, William C. Posey, Mattie L. Cates, Mansel Cates, Penola V. Cates, Mary McDougal, Frank W. McDougal, Magnus McDougal, Maggie Kuykendol, Tyre Kuykendol, Willie May Kuykendol, Jessie Kuykendol, Alva McDougal, Homer H. McDougal, Nancy Ellen McDougal, Stephen N. Adcock, John Pinkney Adcock, Clementine Fish, Willie Fish, Grover Cleveland Fish, Mamie Myrtle Fish, Maggie Johnston, Mamie Johnston, Pearl Johnston, Willie Johnston, Stephen A. Fish, Maud Hull, Elijah A. Posey, Elbert G. Posey, Seburn L. Posey, Mary A. Posey, Sarah V. Posey, Thomas A. Posey, Marion E. Posey, Walter L. Posey, Charles W. Posey, Josey E. Posey, Leroy Mc Posey, Nancy A. Posey, Nancy I. Hull, Rosezette Cherry, Arthur Lee Cherry, Roy Cherry, Maggie Isabelle Cherry, Minnie Frances Cherry, Lula Reardon, James Reardon and Charles Reardon as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

Stephen A. Fish, --3

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, together with the case, together with said arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

Registered.

M.O.R. 8018.

COPY:

Muskogee, Indian Territory, December 11, 1903.

Stephen A. Fish,

Lawburg, Indian Territory.

Dear Sir:

You are hereby notified that on the 30th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry M. Posey et al., of which decision you were advised by registered mail on the 15th day of April, 1903.

Respectfully,

JAMES DIXON.
Chairman.

No.

5018

For Identification as a Mississippi Choctaw.

Date

May

1902

Name Stephen A. Fish

Age 23

Build 3/32

Post Office, Newberg, I. T.

Father: William Fish

Mother: Clementine "

Claims through mother
wife. Lula Fish, Ind.

No claim for wife.

~~Children:~~

Claims for self
alone

Stenographer G. Roummier

Choctaw MCR 5019

Maud Hull

See MCR 5618

MCR 5019

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 29, 1902.

5019

In the matter of the application for identification as a
Mississippi Choctaw of Maud Hull.

L. P. Hudson attorney appearing for applicant.

Maud Hull having been first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Maud Hull.
Q What is your age? A Twenty-one.
Q What is your post office address? A Guertie, Indian Territory.
Q How long have you lived there? A About one month.
Q Where did you live before that? A Newburg.
Q Indian Territory? A Yes, sir.
Q How long have you lived in Indian Territory? A About fifteen
or sixteen years.
Q Where were you born? A In Arkansas.
Q What place in Arkansas? A Johnson County, Arkansas.
Q From there did you go to the Indian Territory? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A William Fish.
Q What is your mother's name? A Clementine Fish.
Q She made application on this date to be identified March 29,
has she not? A Yes, sir.
Q You claim through her then do you not? A Yes, sir.
Q How much Choctaw blood do you claim; you know how much your
mother claims? A Three sixteenths.
Q You claim one-half of that? A Yes, sir.
Q That would be three-thirty-seconds, is that your claim? A Yes,
sir.
Q Has your mother ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the United States authorities in Indian Territory?
I don't know sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Wesley Hull.
Q He is living? A Yes, sir.
Q Is he an Indian or a white man? A White man.
Q You make no claim for him then do you? A No, sir.
Q You have no children? A No, sir.
Q You claim for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in Indian Territory? A
No, sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Commission to the Five Civilized Tribes under the

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- act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to identify yourself as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, I guess so.
- Q You understand that article? A I don't know whether I do or not.
- Q You have heard it read and explained a number of times have you? A Yes, sir.
- Q Now would you like to have it explained again to you? A Yes, sir.
- Q You know what a treaty is do you? A No, sir.

A treaty is a compact in writing made between two or more nations because it is made between Nations not between individuals or corporations it is called a treaty.

A treaty like that was made between the United States government and the Choctaw tribe of Indians at a place called Daniong Rabbit Creek in the state of Mississippi on the 27th day of September 1830 and was made for the especial purpose of removing, as far as possible, all the Choctaw Indians who lived in the old Choctaw Nation, East of the Mississippi River to the Choctaw Nation in Indian Territory. Before the treaty was signed however it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under that treaty and in order to protect the interests of those Indians article fourteen was drafted and put into the treaty. It was then signed and afterwards ratified. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by section lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that now? A Yes, sir.
- Q Did any of your ancestors comply or attempt to comply with any of the provisions of that article do you know? A No, sir; I don't know.
- Q What is the name of your ancestor through your right to be identified as a Mississippi Choctaw? A I don't know sir.
- Q You claim through your mother? A Yes, sir.
- Q Through which parent did she claim? A Both.
- Q What was her father's name? A John William Adcock.
- Q What was her mother's name? A Cynthia Adcock.
- Q Did either of them live in Mississippi or Alabama? A I don't

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know.

- Q How old would John W. Adcock be if living now? A Seventy somewhere.
- Q Where was he born? A I don't know sir.
- Q How old would Cynthia his wife be if living now? A I don't know
- Q Where was she born? A I don't know.
- Q Through which parent did John W. Adcock claim his Choctaw blood father or mother? A I don't know.
- Q Do you know the names of his parents? A No, sir.
- Q Through whom did Cynthia his wife claim her Choctaw blood? A I don't know.
- Q You know the names of her or her parents? A No, sir.
- Q Do you know the names of any ancestors of yours who lived in Mississippi in 1830 and were heads of families there then? A No, sir.
- Q How do you know you claim three-thirty seconds Choctaw blood; been told so by some one in the family? A Yes, sir.
- Q Who told you you was three-thirty seconds Indian, your mother? A Yes, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent and signify their intention of remaining there in Mississippi, taking land there and becoming citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did they own any land or claim any in Mississippi or Alabama under any other article of that treaty than article fourteen or under the supplement of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors claim any benefits under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I don't know.
- Q Did any of your ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know sir.
- Q Did any of Choctaw ancestors go before the Commission of 1837 or before the Commission of 1842 and claim benefits as Choctaw Indians under article fourteen? A I don't know.

These Commissions were appointed to hear the claims of a great many Choctaw Indians because they asserted that they had gone to Colonel Ward, the United States Indian Agent, at his agency in Mississippi, within six months from the ratification of the treaty of 1830, and attempted to register their names with him as Indians who desired to remain in Mississippi, take land there and who intended to become citizens of the United States. They claimed that he failed to put their names upon his list known as Ward's register and because of his failure to do so, the government later on took their land from them which they had in the old Choctaw Nation and sold it with the improvements upon it. For this reason they asked Congress to appoint Commissions, which were afterwards appointed, one in 1837 and another in 1842.

- Q Do you know whether any of your Choctaw ancestors appeared before either of these two Commissions and claimed benefits as Choctaw Indians? A No, sir.
- Q Did you ever hear? A No, sir.

#4

- Q Did any of your Choctaw ancestors receive any scrip from the government, or certificates, which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had formerly held in the old Choctaw Nation and which the government had taken from them and sold.
- Q Who is Mary McDougal? A She is my aunt.
- Q She has made application to be identified as a Mississippi Choctaw has she not? A Yes, sir.

Her number 4969 is here referred to.

- Q You want to have the testimony taken in her case and the papers filed, also the record made in the cases of relatives of yours who claim through the same common ancestor consolidated with yours? A Yes, sir.
- Q Have you any evidence that you want to introduce or witnesses you want to call? A ----

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim in the near future.

Motion is granted.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Is there anything further you want to say in support of this claim? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium dark complexion; blue eyes; dark brown hair. She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 29, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

Subscribed and sworn to before me this 22nd day of April 1902.

G. Rosenwinkel
Chambers

Notary Public.

COPY

Muskogee, Indian Territory, April 15, 1903.

Maud Hull,

Quertie, Indian Territory.

Dear Madam:

You are hereby advised that on the 15th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry N. Posey, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry N. Posey	M.C.R. 5618
Sarah Mathis, et al.	M.C.R. 5276
Lizzie Harger, et al.	M.C.R. 5639
Warner W. Mathis	M.C.R. 5637
Andrew Mathis	M.C.R. 5638
Sallie Nichols, et al.	M.C.R. 5640
Oliver K. Posey, et al.	M.C.R. 5271
Sarah Etta Moore, et al.	M.C.R. 5603
Mary V. Dear, et al.	M.C.R. 5601
Susan Ettie McKinley, et al.	M.C.R. 5603
William C. Posey	M.C.R. 5604
Mattie L. Gates, et al.	M.C.R. 5599
Penola V. Gates	M.C.R. 5600
Mary McDougal, et al.	M.C.R. 4969
Maggie Kuykendol, et al.	M.C.R. 5020
Alva McDougal	M.C.R. 5021
Homer H. McDougal, et al.	M.C.R. 5022
Stephen N. Adcock, et al.	M.C.R. 4970
Clementine Fish, et al.	M.C.R. 5016
Maggie Johnston, et al.	M.C.R. 5017
Stephen A. Fish	M.C.R. 5018
Maud Hull	M.C.R. 5019
Elijah A. Posey, et al.	M.C.R. 5613
Nancy A. Posey	M.C.R. 5617
Nancy I. Hull	M.C.R. 5605
Roseettie Cherry, et al.	M.C.R. 5606
Loula Reardon, et al.	M.C.R. 5620

Maud Hull, --2

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry M. Posey, Sarah Mathis, Walter Glenn Mathis, Lizzie Harger, Lawrence Harger, Clarence Harger, Darven Harger, Warner W. Mathis, Andrew Mathis, Sallie Nichols, Lorena Nichols, Oliver K. Posey, Oliver K. Posey, Jr., Isaiah T. Posey, Bulah E. Posey, Gracey M. Posey, Dovey M. Posey, Henry H. Posey, Clarence Posey, Claudie Posey, Sarah Etta Moore, Laura V. Moore, Ollie Franklin Moore, Elvin Winslow Moore, Mary V. Dear, Minnie Lenora Dear, William Leonard Dear, Zulah Dear, Andrew Wesley Dear, Josie Dear, Susan Ettie McKinley, Homer H. McKinley, William C. Posey, Mattie L. Cates, Mansel Cates, Penola V. Cates, Mary McDougal, Frank F. McDougal, Magnus McDougal, Maggie Kuykendol, Tyre Kuykendol, Willie May Kuykendol, Jessie Kuykendol, Alva McDougal, Homer H. McDougal, Nancy Ellen McDougal, Stephen N. Adcock, John Pinkney Adcock, Clementine Fish, Willie Fish, Grover Cleveland Fish, Mamie Myrtle Fish, Maggie Johnston, Mamie Johnston, Pearl Johnston, Willie Johnston, Stephen A. Fish, Maud Hull, Elijah A. Posey, Elbert G. Posey, Seburn L. Posey, Mary A. Posey, Sarah V. Posey, Thomas A. Posey, Marion F. Posey, Walter L. Posey, Charles W. Posey, Josey E. Posey, Leroy McQ Posey, Yancy A. Posey, Nancy I. Null, Rosezette Cherry, Arthur Lee Cherry, Roy Cherry, Maggie Isabelle Cherry, Minnie Frances Cherry, Lula Reardon, James Reardon and Charles Reardon as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

Maud Hull, —3

You are further advised that you will be allowed fifteen
days from the date hereof within which to file arguments in this
office, and that at the expiration of said time the papers in the
case, together with your arguments, will be forwarded to the
board of the Interior Department for their consideration.

Respectfully,

Yours truly,

Tams Bixby.
Chairman.

Registered.

M.S.R. 5019.

COPY.

Minneapolis, Indian Territory, December 11, 1903.

Maude Hall,

Quartie, Indian Territory.

Dear Madam:

You are hereby notified that on the 30th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry N. Posey et al., of which decision you were advised by registered mail on the 15th day of April, 1903.

Respectfully,

(D) *Lamm*
Chairman.

Date

MAR 11 1902

Name Maud Hull

Age 21 — Blood $\frac{3}{8}$

Post Office, ^{Gr} Gertie, I. T.

Father: William Fish. l

Mother: Clementine " l

Claims through mother
Husband
Wesley Hull. l. w.

No claim for husband

~~Children:~~

Claims for self.

Stenographer L. Rosemont El

Choctaw MCR 5020

Maggie Kuy Kendol

See MCR 5618

MCR 5020

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 29, 1902.

5020

In the matter of the application for identification as Mississippi Choctaws of Maggie Kuykendal for herself and her three minor children, Tyre, Willie May and Jessie Kuykendal.

Applicants represented by attorney L. P. Hudson.

Maggie Kuykendal being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Maggie Kuykendal.
Q How do you spell that last name? A K-u-y-k-e-n-d-a-l.
Q What is your post office address? A Deport, Texas.
Q How long have you lived there? A About twelve years.
Q Where were you born? A In Springfield, Missouri.
Q When you left Missouri where did you go? A Arkansas.
Q And lived in Arkansas how long? A About fourteen years.
Q Until you went to Texas? A Yes, sir.
Q Where did you live in Arkansas? A In Johnson County.
Q What is your age? A Twenty-nine.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A R. H. McDougal,--Richard McDougal.
Q What is your mother's name? A Mary McDougal.
Q Claim your Choctaw blood through which parent father or mother?
A Mother.
Q How much Choctaw blood do you claim? A Three thirty-seconds.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Are you married? A Yes, sir.
Q Husband living? A Yes, sir.
Q White man or Indian? A White man.
Q What is his name? A Jess Kuykendal.
Q J-e-s-s-e? A J-e-s-s is the way he spells it.
Q You make no claim for him? A No, sir.
Q What is the name of your eldest child that you apply for? A Tyre Kuykendal.
Q How do you spell that? A T-y-r-e.
Q Is that a boy or girl? A Boy.
Q How old is he? A Ten years old.
Q What is the name of the next? A Willie May Kuykendal.
Q Is that a boy or girl? A Girl.
Q How old? A Eight.
Q Next? A Jessie.
Q Boy or Girl? A Girl; J-e-s-s-i-e.
Q How old? A Seven.
Q You claim for yourself and these three children? A Yes, sir.
Q Is Jess Kuykendal the father of these children? A Yes, sir.
Q He and you are living together as husband and wife now? A Yes, sir.

#2

- Q The children are with you at your home? A Yes, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896; for yourself and children? A No, sir.
- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission for the purpose of identifying yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A I think as well as if it was explained again.
- Q You have heard it read and explained a number of times? A Yes, sir.
- Q Would you like another explanation of it? A I don't think it would be necessary.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand the article now? A Yes; I think so.
- Q Do you know whether any of your ancestors complied or attempted to comply with any of the provisions of that article? A No, sir. I don't know.
- Q What is the name of your ancestor or ancestors through whom you claim your right to be identified now as a Mississippi Choctaw? A Adcock.
- Q What Adcock is that? A John William.
- Q What relation to you was he? A He was my grandfather.
- Q Is he living now? A No, sir.
- Q How old would he be if living now? A I don't know.
- Q Grandfather on your father's side or mother's side? A Mother's side.
- Q Did he ever live in Mississippi? A I don't know.
- Q Do you know whether he claimed through his father or mother? A I don't know that.

- Q Are you able to tell anything about his Choctaw ancestry? A No, sir.
- Q Did your mother claim through her father alone or her father and mother both? A Through both.
- Q Do you know anything about mother's Choctaw ancestry? A No, sir.
- Q Do you know the names of any of her ancestors? A Her mother's father's name was Posey.
- Q What was the full name? A I don't know what the full name was.
- Q What relation was this Posey to you? A He would be my great grandfather.
- Q Did you ever hear that he lived in the old Choctaw Nation in Mississippi or Alabama? A No, sir.
- Q Are you able to state whether any of your Choctaw ancestors lived in Mississippi or Alabama in 1830 and were the heads of families there then? A No, sir.
- Q Never heard anybody in your family say so? A No, sir.
- Q That you had a Mississippi Choctaw ancestor who lived in Mississippi at any time? A No, sir.
- Q Never heard that any relative of yours lived in Mississippi or Alabama? A No, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 or any time before that? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors as far as you know or have heard own any land or claim any in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did they ever claim any land in Mississippi or Alabama under any other article of that treaty than article fourteen or under the supplement of that treaty? A I don't know.
- Q Did they claim any benefits under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I don't know.

After the treaty of 1830 was ratified, a very large number of Choctaw Indians left the old Choctaw Nation East of the Mississippi River and went to the Choctaw Nation Indian Territory under that treaty but a good many Indians refused to go. It is estimated at least six or seven thousand did not go and they were required, if they wanted to take advantage of the provisions of article fourteen of the treaty of 1830, to go to the United States Indian Agent, within six months from the ratification of the treaty, that is six months from February 24th 1831 and register their names with Colonel Ward the United States Indian Agent as Indians who desired to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward neglected to place upon his list known as Ward's register. His failure to do so caused a good many Indians who had land in Mississippi in the old Choctaw Nation to lose that land for it was taken from them by the government and sold at its public land sales, together with the improvements upon it. This caused so many complaints that in 1837 by act approved March 3, of that year Congress appointed

a Commission which went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 another Commission was appointed by Congress for the same purpose and this Commission under an act approved August 23rd 1842 went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen? A I don't know.

The act of Congress approved August 23rd 1842, provided that if any Choctaw Indian proved his claim under article fourteen of that treaty and if it also further appeared that he had had land in Mississippi which the government had taken from him and sold that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate to that effect should be given him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians? A I don't know.
Q Who is Mary McDougal? A She is my mother.
Q She appeared before the Commission? A Yes, sir.
Q For identification as a Mississippi Choctaw? A Yes, sir.

Her number 4969 is here referred to.

- Q You want to have the testimony given by her in her application as well as the testimony of other relatives of yours who have made application to be identified as Mississippi Choctaws claiming through the same common ancestor consolidated with yours? A Yes, sir.
Q Have you any other evidence you want to introduce now or any witnesses you want to introduce? A --

Here L. P. Hudson, attorney for applicants, asks leave to file written evidence in support of this claim in the near future.

Motion granted.

- Q Do you speak or understand the Choctaw language? A No, sir.
Q Is there anything further you want to say in support of your claim? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium dark complexion; blue eyes; dark hair. She does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 29, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

Subscribed and sworn to before me this 22nd day of April 1902.

Charles Mitchell Wood
Notary Public.

COPY.

Muskogee, Indian Territory, April 15, 1903.

Maggie Kuykendol,

Deport, Texas.

Dear Madam:

You are hereby advised that on the 15th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry W. Posey, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry W. Posey	M.C.R. 5618
Sarah Mathis, et al.	M.C.R. 5676
Lissie Harger, et al.	M.C.R. 5679
Warner W. Mathis	M.C.R. 5637
Andrew Mathis	M.C.R. 5638
Sallie Nichols, et al.	M.C.R. 5640
Oliver K. Posey, et al.	M.C.R. 5671
Sarah Etta Moore, et al.	M.C.R. 5602
Mary V. Dear, et al.	M.C.R. 5601
Susan Ettie McKinley, et al.	M.C.R. 5603
William C. Posey	M.C.R. 5604
Mattie L. Cates, et al.	M.C.R. 5599
Penola V. Cates	M.C.R. 5600
Mary McDougal, et al.	M.C.R. 4969
Maggie Kuykendol, et al.	M.C.R. 5020
Alva McDougal	M.C.R. 5021
Homer H. McDougal, et al.	M.C.R. 5022
Stephen N. Adcock, et al.	M.C.R. 4970
Clémentine Fish, et al.	M.C.R. 5016
Maggie Johnston, et al.	M.C.R. 5017
Stephen A. Fish	M.C.R. 5018
Maud Hull	M.C.R. 5019
Elijah A. Posey, et al.	M.C.R. 5613
Yanoy A. Posey	M.C.R. 5617
Nancy I. Hull	M.C.R. 5605
Rosezette Cherry, et al.	M.C.R. 5606
Lula Beardon, et al.	M.C.R. 5620.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry H. Posey, Sarah Mathis, Walter Glenn Mathis, Lizzie Harger, Lawrence Harger, Clarence Harger, Darven Harger, Warner W. Mathis, Andrew Mathis, Sallie Nichols, Lorena Nichols, Oliver K. Posey, Oliver K. Posey, Jr., Isaiah T. Posey, Bulah E. Posey, Gracey M. Posey, Dovey M. Posey, Henry H. Posey, Clarence Posey, Claudie Posey, Sarah Etta Moore, Laura V. Moore, Ollie Franklin Moore, Elvin Winslow Moore, Mary V. Dear, Minnie Lenora Dear, William Leonard Dear, Zulah Dear, Andrew Wesley Dear, Josie Dear, Susan Ettie McKinley, Homer H. McKinley, William C. Posey, Mattie L. Gates, Mansel Gates, Penola V. Gates, Mary McDougal, Frank F. McDougal, Magnus McDougal, Maggie Kuykendol, Tyre Kuykendol, Willie May Kuykendol, Jessie Kuykendol, Alva McDougal, Homer H. McDougal, Nancy Elen McDougal, Stephen W. Adcock, John Pinkney Adcock, Clementine Fish, Willie Fish, Grover Cleveland Fish, Mamie Myrtle Fish, Maggie Johnston, Mamie Johnston, Pearl Johnston, Willie Johnston, Stephen A. Fish, Maud Hull, Elijah A. Posey, Elbert G. Posey, Seburn L. Posey, Mary A. Posey, Sarah V. Posey, Thomas A. Posey, Marion F. Posey, Walter L. Posey, Charles W. Posey, Josay E. Posey, Leroy W. Posey, Nancy A. Posey, Nancy I. Hull, Rosezette Cherry, Arthur Lee Cherry, Roy Cherry, Maggie Isabelle Cherry, Minnie Frances Cherry, Lula Beardon, James Beardon and Charles Beardon as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

Maggie Kuykendol, —3

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S. H. 10)

Jame Dixby.
Chairman.

Registered.

10000

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5020.

ALLISON L. AYLESWORTH,
SECRETARY

APPROVED BY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 11, 1903.

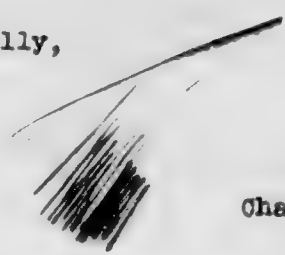
Maggie Kuykendol,

Deport, Texas.

Dear Madam:

You are hereby notified that on the 30th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry N. Posey et al., of which decision you were advised by registered mail on the 15th day of April, 1903.

Respectfully,



Chairman.

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

NOTICE!

The Land Offices of the Commission at

• ATOKA

in the Choctaw Nation, and

TISHOMINGO

in the Chickasaw Nation,

Will not receive applications for allotment from
THURSDAY, DECEMBER 24, 1903, to SATUR-
DAY, JANUARY 2, 1904, inclusive.

The reception of applications for allotment will
be resumed on Monday, January 4, 1904, at nine
o'clock A. M.

The Commission to the Five Civilized Tribes,
TAMS BIXBY, Chairman.

Muskogee, Indian Territory,
December 1, 1903.

No. 5020

For Identification as a Mississippi Choctaw.

Date MAR 29 1902

Name Maggie Kuy Kendol.

Age 29 - Blood $\frac{3}{32}$

Post Office, Deport, Texas,

Father: Richard H McRougal. l.

Mother: Mary McRougal. l.

Claims through mother

Husband Jess Kuy Kendol. l.w.

No claim for
Husband

Children:

Tyre Kuy Kendol (M.) 10

Willie May " (F) 8

Jessie " (F) 7

Claims for self &
children

Stenographer B. Rosemont



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 25 1904

CHAIRMAN

0020



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

Muscogee

Ind. Ter.



Sept 1890

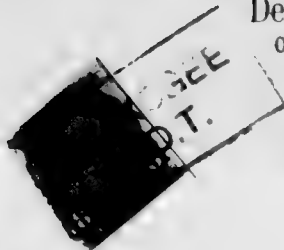
Apr. 18. 1903

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE IND. CIVILIZED TRIBES
FILED

DEC 21 1903

[Signature]
Apr 7 1904

CHIEF



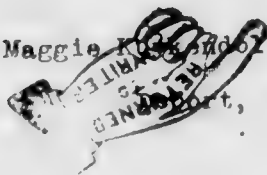
Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Maggie Ross, 1702,
Muskogee, Texas.



Choctaw MCR 5021

Alva Mc Dougal

See MCR 5618

MCR 5021

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 29, 1902.

5021

In the matter of the application for identification as a
Mississippi Choctaw of Alva McDougal.

L. P. Hudson attorney representing applicant.

Alva McDougal being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Alva McDougal.
Q What is your age? A Twenty-eight.
Q What is your post office address? A Fulbright, Texas.
Q How long have you lived there? A I have lived there at that
post office about four months.
Q Where were you born? A In Missouri.
Q What place in Missouri? A Near Springfield.
Q How long did you live in Missouri? A I could not tell you.
Q From Missouri you went to what state? A Arkansas.
Q How long did you live in Arkansas? A I don't remember.
Q About how long? A About six years.
Q From Arkansas you went where, Texas? A Yes, sir.
Q And have you lived there since? A Most of the time.
Q What is your father's name? A McDougal, Richard McDougal.
Q Richard H. McDougal? A Yes, sir.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Mary McDougal.
Q Is she living? A Yes, sir.
Q Through which parent do you claim Choctaw blood? Through my
mother.
Q How much Choctaw blood do you claim? A Three-thirty-seconds.
Q Has your mother ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the United States authorities in Indian Terri-
tory? A No, sir; I guess not; not that I know of.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Flora.
Q F-l-o-r-a? A Yes, sir.
Q She is living is she? A Yes, sir.
Q Is she an Indian or white woman? A White woman.
Q You make no claim for her then do you? A No, sir.
Q Have you any children that you want to make application for?
A No, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in Indian Territory? A No, sir; not that I know of.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in Indian Territory?
No, sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Commission to the Five Civilized Tribes under the
act of Congress of June 10, 1896? A No, sir.

#2

- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to identify yourself as Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? A I suppose so.
- Q Would you like to have it explained to you? A No, sir.
- Q You think you understand it without an explanation? A Yes, sir.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand that, do you? A Yes, sir.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A I could not answer that.

By attorney.

- Q You claim through your mother don't you? A Yes, sir.

By the Commission.

- Q Your mother is Mary McDougall? A Yes, sir.
- Q Has she been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
- Q When did she appear? A I could not tell you the date.
- Q She claimed through which parent father or mother? A Both.
- Q What was her father's name? A John William Adcock.
- Q What was her mother's name? A Cynthia.
- Q Did either of these parents live in the old Choctaw Nation in Mississippi or Alabama? A Not that I know of.
- Q How old would John W. Adcock be if living now? A I could not tell you.
- Q Where was he born? A I could not tell you that either.
- Q How old would his wife Cynthia be if living now? A I don't know.
- Q Where was she born? A I don't know that either.

- Q Through which parent did John W. Adcock claim his Choctaw blood? A I don't know.
- Q What was his father's name? A I don't know.
- Q What was his mother's name? A I don't know that either.
- Q Through which parent did Cynthia Adcock claim her Choctaw blood? A I don't know.
- Q Do you know the names of either of her parents? A No, sir.
- Q Did either of them live in Mississippi or Alabama in the old Choctaw Nation? A Not that I know of.
- Q Can you give me the name of any ancestor of yours who lived in Mississippi or Alabama in 1830 and was the head of a family there then? A No, sir.
- Q You have given all you can about your ancestry? A Yes, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi and Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek go to the United States Indian Agent and signify to him their intention to remain in Mississippi, take land there and become citizens of the United States? A Not that I know of.
- Q Did you ever hear that any of your Choctaw ancestors went from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A No, sir.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under any other article of that treaty than article fourteen or under the supplement of that treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors claim any benefits under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A Not that I know of.

The members of the Choctaw tribe of Indians who lived in the old Choctaw Nation in Mississippi and Alabama and who refused to go to the Choctaw Nation Indian Territory, under that treaty after it was ratified, were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and the improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by act approved March 3, of that year a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 by another act of Congress approved August 23rd of that year a second Commission was appointed which went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Do you know whether any of your Choctaw ancestors appeared before either of these Commissions and claimed benefits as Choctaw Indians? A No, sir.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, and if it further appeared that he had had land in Mississippi and that that land had been taken from him by the United States government and sold that he should be entitled to select land to replace the land taken from him and he might select it either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land. His right to do so was evidenced by scrip or certificates issued to him.

- Q Did any of your Choctaw ancestors receive any such scrip from the government as Choctaw Indians? A No, sir; not that I know of.
- Q Who is Mary McDougal? A My mother.
- Q She has made application to be identified as a Mississippi Choctaw has she not? A Yes, sir.

Her number 4969 is here referred to.

- Q Do you want to have the testimony given by her in her application and the testimony given by other relatives of yours in their applications for identification as Mississippi Choctaws considered with yours? A No, sir.
- Q You do not? A Yes, sir; certainly.
- Q Do you speak the Choctaw language? A No, sir.
- Q Have you any evidence you want to introduce now or any witnesses you want to call before the Commission? A No, sir.

Here L. P. Hudson, attorney for applicants, asks leave to file written evidence in support of this claim in the near future.

Motion is granted.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark blue eyes; medium dark complexion, and very dark brown hair. He has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 29, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

Subscribed and sworn to before me this 26th day of April 1902

G. Rosenwinkel
Charles H. Hudson
Notary Public.

COPY.

Muskogee, Indian Territory, April, 15, 1903.

Alva McDougal,

Fullbright, Texas.

Dear Sir:

You are hereby advised that on the 15th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry F. Posey, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry F. Posey	M.C.R. 5618
Sarah Mathis, et al.	M.C.R. 5276
Lizzie Harger, et al.	M.C.R. 5639
Warner W. Mathis	M.C.R. 5637
Andrew Mathis	M.C.R. 5638
Sallie Nichols, et al.	M.C.R. 5640
Oliver K. Posey, et al.	M.C.R. 5371
Sarah Etta Moore, et al.	M.C.R. 5602
Mary V. Dear, et al.	M.C.R. 5601
Susan Ettie McKinley, et al.	M.C.R. 5603
William C. Posey	M.C.R. 5604
Mattie L. Gates, et al.	M.C.R. 5599
Penola V. Gates	M.C.R. 5600
Mary McDougal, et al.	M.C.R. 4969
Maggie Kuykendol, et al.	M.C.R. 5020
Alva McDougal	M.C.R. 5031
Homer E. McDougal, et al.	M.C.R. 5032
Stephen E. Adcock, et al.	M.C.R. 4970
Clementine Fish, et al.	M.C.R. 5016
Maggie Johnston, et al.	M.C.R. 5017
Stephen A. Fish	M.C.R. 5018
Maud Hull	M.C.R. 5019
Elijah A. Posey, et al.	M.C.R. 5613
Yancy A. Posey	M.C.R. 5617
Nancy I. Null	M.C.R. 5605
Rosezette Cherry, et al.	M.C.R. 5606
Lula Reardon, et al.	M.C.R. 5620

Alva McDougal, --2

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry H. Posey, Sarah Mathis, Walter Glenn Mathis, Lizzie Harger, Lawrence Harger, Clarence Harger, Darwin Harger, Warner W. Mathis, Andrew Mathis, Sallie Nichols, Lorena Nichols, Oliver K. Posey, Oliver K. Posey, Jr., Isaiah T. Posey, Bulah E. Posey, Gracey M. Posey, Dovey M. Posey, Henry H. Posey, Clarence Posey, Claudie Posey, Sarah Etta Moore, Laura V. Moore, Ollie Franklin Moore, Elvin Winslow Moore, Mary V. Dear, Minnie Lenora Dear, William Leonard Dear, Zulah Dear, Andrew Wesley Dear, Josie Dear, Susan Ettie McKinley, Homer H. McKinley, William C. Posey, Mattie L. Cates, Mansel Cates, Penola V. Cates, Mary McDougal, Frank F. McDougal, Magnus McDougal, Maggie Kuykendol, Tyre Kuykendol, Willie May Kuykendol, Jessie Kuykendol, Alva McDougal, Homer H. McDougal, Nancy Ellen McDougal, Stephen W. Adcock, John Pinkney Adcock, Clementine Fish, Willie Fish, Grover Cleveland Fish, Mamie Myrtle Fish, Maggie Johnston, Mamie Johnston, Pearl Johnston, Willie Johnston, Stephen A. Fish, Maud Hull, Elijah A. Posey, Elbert G. Posey, Sebun L. Posey, Mary A. Posey, Sarah V. Posey, Thomas A. Posey, Marion E. Posey, Walter L. Posey, Charles W. Posey, Josey E. Posey, Leroy McQ Posey, Yancy A. Posey, Nancy I. Hull, Rosezette Cherry, Arthur Lee Cherry, Roy Cherry, Magie Isabelle Cherry, Minnie Frances Cherry, Lula Reardon, James Reardon and Charles Reardon as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

Five Months. — 3

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Bixby.
Chairman.

Registered.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5021.

ALLEGING ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 11, 1903.

Alva McDougal,

Fullbright, Texas.

Dear Sir:

You are hereby notified that on the 30th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry M. Posey et al., of which decision you were advised by registered mail on the 15th day of April, 1903.

Respectfully,

Chairman.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 19 1904

A handwritten signature in ink, likely of the Chairman, written over the typed name.

CHAIRMAN.



5021

700



Department of the Interior
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.

Penalty for private use, \$300.

undelivered

Alva McDougal,

Fulbright, Texas.

Return

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unclaimed*

W. H. ...



Reg no 49



Alva McDougal,

Fullbright, Texas.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

...

No. 5021

For Identification as a Mississippi Choctaw.

Date MAR 21 1932

Name Alva Mc Neongal

Age 28 Blood $\frac{3}{32}$

Post Office, Fullbright, Texas.

Father: Richard H. Mc Neongal l

Mother: Mary " l.

Claims through mother -
wife.

Flora Mc Neongal l. w.

No claim for wife.

~~Children:~~

Claims for self
alone

Signature: Graumiere

Choctaw MCR 5022

Homer H. McDougal

See MCR 5618

MCR 5022

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 29, 1902.

5022

In the matter of the application for identification as Mississippi Choctaws of Homer H. McDougal for himself and for his wife Nancy Ellen McDougal.

Applicants represented by attorney L. P. Hudson.

Homer H. McDougal being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Homer H. McDougal.
Q What is your wife's name? A Nancy Ellen.
Q What is your age? A Twenty-four.
Q What is your post office address? A Non, (near Guertie)
Q Texas? A No, sir.
Q Indian Territory? A Yes, sir.
Q How long have you lived at this place? A About two years.
Q How long have you lived in Indian Territory? A About five
years.
Q Continuously? A Yes, sir.
Q Where were you born? A In Arkansas.
Q Where in Arkansas, what County? A I don't know.
Q How long did you live in Arkansas; about how long; two, three,
five or ten years? A Two or three years.
Q When you left Arkansas where did you go? A To Texas.
Q Did you live in Texas then until you came to the Territory? A
A No, sir.
Qc How long did you live in Texas? A About three years.
Q Then you went where? A Back to Arkansas.
Q From Arkansas where did you go, to the Territory? A Yes, sir.
Q And have lived there since? A Yes, sir.
Q What is the name of your father? A Richard H. McDougal.
Q Is he living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your mother's name? A Mary Ann McDougal.
Q You claim your Choctaw blood through which parent? A My
mother.
Q How much Choctaw blood do you claim? A Three-thirty-seconds.
Q Has your mother ever been recognized as a Choctaw Indian or
enrolled as one by the Choctaw tribal authorities or the United
States authorities in Indian Territory? A I don't know.
Q You would know if she had been enrolled as an Indian? A No,
sir.
Q Would you not know if she was an Indian and enrolled as one? A
Yes, sir.
Q You never heard that she was did you? A No, sir.
Q What is your wife's name? A Nancy Ellen.
Q How old is she? A Sixteen.
Q You make application for her as having Choctaw Indian blood? A
Yes, sir.

Q You make application for her as an intermarried Mississippi Choctaw? A Yes, sir.

By attorney; he makes application for identification as a Mississippi Choctaw for her.

- Q You don't make application for identification as a Mississippi Choctaw for her by intermarriage; you make application for her because she has Mississippi Choctaw Indian blood? A Yes, sir
- Q What is her father's name? A Bob Adcock.
- Q What is her mother's name? A Nancy
- Q Nancy Adcock? A Yes, sir.
- Q Is her father living? A Yes, sir.
- Q Is her mother living? A No, sir.
- Q Through which parent does she claim Choctaw blood? A Her father.
- Q How much Choctaw blood did he have? A I don't know sir.
- Q How much Choctaw blood do you claim for your wife? A One sixteenth.
- Q You and she are living together as husband and wife? A Yes, sir
- Q Have you any children that you want to make application for? A No, sir.
- Q Do you know whether the father of your wife Nancy Ellen McDougal was ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir
- Q Where was your wife born? A Arkansas (Prompted)
- Q What place in Arkansas? A Dardanell. (Prompted)
- Q Has she always lived with you since you were married? A Yes, sir.
- Q When were you married? A Last Christmas day.
- Q Where were you married? A Choctaw.
- Q Choctaw Nation? A Yes, sir.
- Q She removed then from Arkansas and went to the Indian Territory; where did she go to from Arkansas, Texas? A Yes, sir; (prompted)
- Q And then she went to the Indian Territory did she? A Yes, sir
- Q You make application for yourself and your wife then do you? A Yes, sir.
- Q For identification as Mississippi Choctaws. Is your name or the name of your wife on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation or has any one made application for your wife for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation or has anyone made application for your wife for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have either you or your wife ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to identify yourself and for the identification of your wife as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q You understand that article of that treaty? A Yes, sir.
- Q You care to have it explained any further to you? A No, sir.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand that now? A Yes, sir.
- Q What is the name of your ancestor or ancestors through whom you claim your right to be identified as a Mississippi Choctaw? A My mother.
- Q Well go back as far as you can to your remote Choctaw ancestor if you are able to? A That is as far as I can go.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of article fourteen of that treaty? A No, sir.
- Q You say you can give the name of your grandfather and grandmother? A Yes, sir.
- Q Can you or can't you? A I can.
- Q What is the name of your mother's father? A John Adcock.
- Q John W. is it? A Yes, sir.
- Q Did he ever live in Mississippi or Alabama in the old Choctaw Nation? A I don't know.
- Q How old would he be if living now? A I don't know.
- Q Where was he born? A I don't know.
- Q What is the name of your mother's mother? A Cynthia.
- Q Did she have any Choctaw blood? A I don't know.
- Q Where was she born? A I don't know.
- Q Did she ever live in Mississippi or Alabama? A I don't know.
- Q Did Cynthia claim Choctaw blood through her father or mother? A I don't know.
- Q Did her husband John W. Adcock claim Choctaw blood through his father or mother? A I don't know.
- Q You are not able to give any information in regard to your Choctaw ancestry beyond your father and mother? A No, sir.
- Q You cannot give the name of any Choctaw ancestor then who you know lived in Mississippi or Alabama in 1830 and was the head of a family there then? A No, sir.
- Q You rely for that information upon the testimony of other relatives who have heretofore made application to be identified as Mississippi Choctaws? A Yes, sir.
- Q How do you know then that you claim three-thirty-seconds Choctaw blood, if you don't know anything about your ancestors having Choctaw blood? A I don't know.
- Q Have you heard so in the family? A Yes, sir.
- Q You are also claiming for your wife are you not that she has a right to be identified as a Mississippi Choctaw? A Yes, sir.

- Q She claimed through her father does she not? A Yes, sir.
- Q You say she claimed one-sixteenth Choctaw blood? A Yes, sir.
- Q Well do you mean that her father Bob Adcock had one-eighth Choctaw blood? A Yes, sir.
- Q She claims wholly through her father? A Yes, sir.
- Q How old is Bob Adcock? A I don't know.
- Q Where is he living now? A In the Choctaw.
- Q Choctaw Nation you mean? A Yes, sir.
- Q Where was he born? A I don't know sir.
- Q He claims his Choctaw blood through which parent, his father or mother? A I don't know.
- Q What is the name of the ancestor of your wife who lived in Mississippi or Alabama, in the old Choctaw Nation, and was the head of a family there then? A I don't know.
- Q Did any of her Choctaw ancestors live in the old Choctaw Nation? A I don't know.
- Q How can you expect to make a claim for your wife if you are not able to give any information in regard to her Choctaw blood; have any of her relatives made application to be identified as Mississippi Choctaws? A Yes, sir.
- Q Can you give me the names of any of her relatives who have appeared before the Commission to be identified? A My mother.
- Q Is your wife related to your mother? A Yes, sir.
- Q What is the relationship between you and your wife? A Second cousins.
- Q Then she claims through the same ancestor through whom you claim? A Yes, sir.
- Q Was your mother related to her mother or father? A Her father.
- Q What relationship existed between your mother and your wife's father? A He was her uncle.
- Q Are you able to give any information as to which of her Choctaw ancestors if any lived in Mississippi or Alabama at any time? A No, sir.
- Q Do you know whether Bob Adcock claimed through his father or mother? A No, sir.
- Q You never heard that he lived in Mississippi or any of his ancestors there or in Alabama? A No, sir.
- Q Did any of the Choctaw ancestors of your wife or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors or any of your wife's Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors or your wife's Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory between 1833 and 1838? A I don't know sir.
- Q Did any of your Choctaw ancestors or your wife's own any land in Mississippi or Alabama, in the old Choctaw Nation, either under article fourteen of that treaty, or under any other article of that treaty or under the supplement of that treaty? A I don't know.
- Q Did any of your ancestors or your wife's claim any benefits under any treaty made between the United States government and the Choctaw Indians other than the treaty of 1830? A I don't know.

The Indians who belonged to the old Choctaw Nation and who elected to remain in Mississippi in the old Choctaw Nation, in Mississippi and Alabama, after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of the treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Colonel Ward, the United States Indian Agent, failed to put upon his list known as Ward's register. His neglect to make a proper register of the names of all claimants who came before him under article fourteen of the treaty of 1830 caused a good many Indians who had land in Mississippi upon which they had improvements to lose them both, for both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians especially among those who lost their land and as the result of the complaints made at that time Congress in 1837 appointed a Commission under act of Congress approved March 3, of that year which went to the State of Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek and made a list of all who appeared before it. In 1842 Congress appointed another Commission for the same purpose under an act approved August 23, of that year. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek.

- Q Did any of your Choctaw ancestors go before either of these two Commissions, that of 1837 or the Commission of 1842 and claim any rights or benefits under article fourteen of that treaty?
A I don't know.

The act of Congress approved August 23rd 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek; if it also further appeared that he had had land in the old Choctaw Nation and that the government had taken it from him and sold at its public land sales, that he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land., and the proof that he might so select land was evidenced by scrip or certificates issued to him under that act of Congress. Did any of your Choctaw ancestors receive any such scrip from the government? A I don't know sir.

- Q Who is Mary Ann McDougal? A My mother.
Q She has made application for identification as a Mississippi Choctaw? A Yes, sir.

Her number 4969 is here referred to.

- Q You have other relatives who have also made application claiming through the same ancestor? A Yes, sir.
Q Do you know whether any of the ancestors of your wife Nancy Ellen McDougal ever went before the Commissions of 1837 or 1842 and claimed benefits as Choctaw Indians? A No, sir.
Q Do you know whether any of the scrip that was issued under the act of Congress of August 23, 1842, was issued to any ancestor of your wife? A No, sir.
Q What relationship exists between yourself and your wife other than that of husband and wife? A Second cousins.

- Q She claims her Choctaw blood from the same ancestor and same source? A Yes, sir.
- Q What relation is Mary McDougal to her? A Own Cousin.
- Q You want to have your case and your wife's consolidated with that of Mary McDougal and other relatives who claim through the same ancestor? A Yes, sir.
- Q You speak or understand the Choctaw language? A No, sir.
- Q Have you any evidence, or any witnesses you want to call before the Commission at this time? A No, sir.

Here L. P. Hudson, attorney for applicants, asks leave to file written evidence in support of this claim in the near future.

Motion is granted.

- Q Is there anything further you want to say in support of your claim? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium fair complexion; dark blue eyes; very dark brown hair. He has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Applicant excused.....

Robert S. Adcock called as a witness in behalf of applicants being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Robert S. Adcock, I am the man they called Bob Adcock.
- Q You are the same man whom your son-in-law Homer H. McDougal names as Bob Adcock? A Yes, sir.
- Q What is your age? A Sixty-four.
- Q What is your post office address? A Non.
- Q Indian Territory? A Yes, sir.
- Q How long have you lived there Mr. Adcock? A Four years.
- Q Where were you born? A In Middle-Tennessee, Franklin County.
- Q You went from Tennessee to where? A Alabama.
- Q How long did you live in Tennessee before you went to Alabama? A Until the War closed.
- Q Where in Alabama did you live? A Jackson County.
- Q Do you know whether that was in the old Choctaw Nation or not? A I don't know that.
- Q How long did you live in Alabama? A Six years.
- Q From there you went where? A Arkansas, Johnson County.
- Q From there you went where? A From there to Conway.
- Q From Arkansas you went to the Indian Territory? A No, sir; to Texas in eighty-five.
- Q And from there to the Indian Territory? A Yes, in ninety-seven.
- Q Are you the father of Nancy Ellen McDougal? A Yes, she is my youngest girl.
- Q She is how old? A She was born in 1885
- Q When did she marry Homer H. McDougal? A Last Christmas.
- Q In the Territory? A Yes, sir.
- Q What can you say in reference to whether she has Choctaw Indian blood? A I cannot tell you.

#7

- Q Through whom does she claim her blood? A Through me and her grandfather.
- Q Can you tell whether she has Choctaw Indian blood? A No, sir I cannot.
- Q Don't know whether she has any Choctaw blood at all? A No, sir.
- Q How can she claim it through you if you don't know you have Choctaw blood? A It came up through the other source.
- Q You never heard that you had Choctaw blood yourself? A No, sir; only through my grandmother and that was only hearsay.
- Q What have you heard in the family about it? A I will tell you my teaching.
- Q Go ahead and tell about it? A I was raised by a widow woman. My father died when I was little over a year old and the youngest of six children. I am a grandson of old Sarah Ann Biddy. My mother has told me all I know about it. That old Sarah Ann Biddy was claimed to be Choctaw and Jim Biddy, a methodist preacher in the Choctaw Nation, I saw him in sixty-nine, the year I moved from Alabama to Arkansas. He told me that my grandmother was his mother's sister, and I asked him how that could be since one was named Adcock and the other Biddy and he said that he was an illegitimate child and that his mother married a Choctaw and he gave me the name but I don't remember it; he then wanted me to go into the Choctaw Nation, insisted upon me to go into the Choctaw Nation, that was in sixty-nine or seventy; it was the Winter of sixty-nine when I got into to Arkansas and met him; he wanted me then to go in the Choctaw Nation and he said he would establish me a right and I told him I did not want to go into the Choctaw Nation.
- Q That makes you how much Choctaw Indian? A I don't know. My mother always told me that my grandmother's maiden name was Biddy; her first husband was a Posey.
- Q How much Choctaw blood did she have? A I don't know.
- Q Did your mother or your grandmother ever say that either this Biddy or Posey had any Choctaw blood? A My mother told me that my grandmother had Indian in her but she never said how much.
- Q Did she say Choctaw or Chickasaw Indian? A No, sir; she never said, any particular tribe.
- Q Her name was what? A Sarah Ann Biddy.
- Q Did she ever live in Mississippi? A I don't know.
- Q Ever live in Alabama? A Yes, sir.
- Q What part of Alabama? A Noth Alabama.
- Q In what was known as the old Choctaw Nation? A I don't know.
- Q Did she live there in 1830 and have a family of children there then if you know? A I can't answer that question.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors speak the Choctaw language? A Not that I know of.
- Q Did any of your Choctaw ancestors have a Choctaw Indian name? A Not that I know of unless it was the Biddy family.
- Q You don't know? A No, sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I heard my mother say that her mother was opposed to moving away from Alabama but whether she made

- c the application or not I don't know; but she was opposed to coming away with the other Indians and remained there.
- Q You never made application to be identified as a Mississippi Choctaw? A No, sir.
- Q You don't propose to? A Well if I can find out that I can make any proof of the old people I will.
- Q You don't know then enough about your Choctaw blood to make an application? A No, not unless I can get other testimony. I am going to try to find the Biddy family.
- Q Then you have stated all you know about your Choctaw ancestors? A Yes, sir.
- Q You don't know whether any of your Choctaw ancestors ever owned any land in Mississippi or Alabama in 1830? A I think my grandmother owned some there in 1830.
- Q What was her name? A Sarah Ann Biddy, she married Posey and they had land in Mississippi in 1830.
- Q Do you know whether she got that land under article fourteen of the treaty of 1830? A I think the government taken it away from them, I heard that complaint, my mother told me that the government sold their land for money.
- Q Do you know whether she or any of your Choctaw ancestors went before either the Commission of 1837 or the Commission of 1842 as claimants under article fourteen of the treaty of 1842? A I don't know sir.
- Q Do you know whether any of your Choctaw ancestors ever received any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know sir; I never heard nothing of that.

This witness who is the father of Nancy Ellen McDougal, for whom her husband Homer N. McDougal has made application for identification as a Mississippi Choctaw is of white florid complexion; blue eyes and looks as though descended from white parentage; his hair and whiskers are now gray, formerly sandy.

- Q You don't understand the Choctaw language? A No, sir.

He has no knowledge of the Choctaw language and states that he is not able at present to tell definitely in regard to his Indian ancestry.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized tribes he reported in full all the proceedings had in the above entitled cause on March 29, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 26th day of April 1902.

Charles J. ...
Notary Public.

COPY.

Muskogee, Indian Territory, April 15, 1903.

Homer H. McDougal,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry N. Posey, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry N. Posey	M.C.R. 5618
Sarah Mathis, et al.	M.C.R. 5276
Lizzie Harger, et al.	M.C.R. 5639
Warner W. Mathis	M.C.R. 5637
Andrew Mathis	M.C.R. 5038
Sallie Nichols, et al.	M.C.R. 5640
Oliver K. Posey, et al.	M.C.R. 5271
Sarah Etta Moore, et al.	M.C.R. 5602
Mary V. Dear, et al.	M.C.R. 5601
Susan Ettie McKinley, et al.	M.C.R. 5603
William C. Posey	M.C.R. 5604
Mattie L. Cates, et al.	M.C.R. 5599
Penola V. Cates	M.C.R. 5600
Mary McDougal, et al.	M.C.R. 4969
Maggie Kuykendol, et al.	M.C.R. 5020
Alva McDougal	M.C.R. 5021
Homer H. McDougal, et al.	M.C.R. 5022
Stephen W. Adcock, et al.	M.C.R. 4970
Clementine Fish, et al.	M.C.R. 5016
Maggie Johnston, et al.	M.C.R. 5017
Stephen A. Fish	M.C.R. 5018
Maud Hull	M.C.R. 5019
Elijah A. Posey, et al.	M.C.R. 5613
Yancy A. Posey	M.C.R. 5617
Nancy I. Hull	M.C.R. 5605
Rosezette Cherry, et al.	M.C.R. 5606
Lula Beardon, et al.	M.C.R. 5620

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry N. Posey, Sarah Mathis, Walter Glenn Mathis, Lizzie Harger, Lawrence Harger, Clarence Harger, Darven Harger, Warner W. Mathis, Andrew Mathis, Sallie Nichols, Lorena Nichols, Oliver K. Posey, Oliver K. Posey, Jr., Isaiah T. Posey, Bulah E. Posey, Gracey M. Posey, Dovey M. Posey, Henry H. Posey, Clarence Posey, Claudie Posey, Sarah Etta Moore, Laura V. Moore, Ollie Franklin Moore, Elvin Winslow Moore, Mary V. Dear, Minnie Lenora Dear, William Leonard Dear, Zulah Dear, Andrew Wesley Dear, Josie Dear, Susan Ettie McKinley, Homer H. McKinley, William C. Posey, Mattie L. Cates, Mansel Cates, Penola V. Cates, Mary McDougal, Frank F. McDougal, Magnus McDougal, Maggie Kuykendol, Tyre Kuykendol, Willie May Kuykendol, Jessie Kuykendol, Alva McDougal, Homer H. McDougal, Nancy Ellen McDougal, Stephen N. Adcock, John Pinkney Adcock, Clementine Fish, Willie Fish, Grover Cleveland Fish, Mamie Myrtle Fish, Maggie Johnston, Mamie Johnston, Pearl Johnston, Willie Johnston, Stephen A. Fish, Maud Hull, Elijah A. Posey, Elbert G. Posey, Seburn L. Posey, Mary A. Posey, Sarah V. Posey, Thomas A. Posey, Marion F. Posey, Walter L. Posey, Charles W. Posey, Jesse E. Posey, Leroy McQ Posey, Yancy A. Posey, Nancy I. Hull, Rosezette Cherry, Arthur Lee Cherry, Roy Cherry, Maggie Isabelle Cherry, Minnie Frances Cherry, Lula Reardon, James Reardon and Charles Reardon as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together

E. H. McS.,

with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tatne Bixby.
Chairman.

Registered.

V.C.R. 5022.

COPY: 

Muskogee, Indian Territory, December 11, 1903.

Edgar E. McDougal,

Non, Indian Territory.

Dear Sir:

You are hereby notified that on the 30th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry W. Posey et al., of which decision you were advised by registered mail on the 15th day of April, 1903.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

No.

5022

For Identification as a Mississippi Choctaw.

Date

Name Homer H. McBlougal

Age 24 Blood $\frac{3}{32}$

Post Office, Vore, I. T.

Father: Richard H. McBlougal, l.

Mother: Mary " l.

Claims through mother
wife.

Nancy Ellen McBlougal, 16
father, Bob Adcox (l.) choi. blood
mother Nancy " (d)
claims thro' her father
~~and~~ claims wife's choi. blood
is 1/16 -

~~Children.~~

Claims for self
and wife -

Stenographer V. Roemmich

Choctaw MCR 5023

Nettie Scott

See MCR 5070, 5072, 5071

MCR 5023

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Nettie Scott, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of-

Nettie Scott, et al	M.C.R.	5023
Eugene B. Quinn	"	5070
Joseph Quinn, et al	"	5072
Melissa Brim, et al	"	5071

List of papers forwarded to the Secretary of the Interior
comprising the record in the consolidated case of
Nettie Scott, et al.

	(Page)
Original application of Nettie Scott, et al., before the Dawes Commission for identification as Mississippi Choctaws	1
Original application of Eugene B. Quinn before the Dawes Commission for identification as a Mississippi Choctaw	7
Original application of Joseph Quinn, et al., before the Dawes Commission for identification as Mississippi Choctaws	12
Original application of Melissa Brim, et al., before the Dawes Commission for identification as Mississippi Choctaws	17
Decision of the Commission denying the application of Nettie Scott, et al., for identification as Mississippi Choctaws	22

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 20, 1902.

5023

In the matter of the application of Nettie Scott for the identification of herself and her four minor children, Ella, Harrison, Walter and Willie Scott, as Mississippi Choctaws.

L.P.Hudson, att'y for applicants.

Nettie Scott being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Nettie Scott.
Q What is your age? A Thirty eight.
Q What is your post office address? A Parker, Oklahoma.
Q How long have you lived at Parker? A A year.
Q Where did you live before that? A In Missouri.
Q Where were you born? A Ohio.
Q Where in Ohio? A Near Oberlin.
Q And left Ohio when how old? A Four years old.
Q And went from there where? A To Missouri.
Q And lived in Missouri how long? A Remained in Missouri till last year.
Q Then you went to Oklahoma? A Yes, came through the Indian Territory and went out to Oklahoma.
Q Is your father living? A Dead.
Q Is your mother living? A No sir.
Q What was your father's name? A Knoesh Quinn.
Q What was your mother's name? A Mary Quinn.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One eighth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal

authorities or the authorities of the United States in the Indian Territory? A Not that I know of.

Q Have you proof of the marriage of your father and mother with you? A No sir.

Q Can you tell when and where they were married? A In the State of Ohio, but I don't know the year.

Q By a minister and under a license? A Yes sir.

Q Can you introduce that evidence later? A Yes, I think so.

Reasonable time will be allowed for that purpose.

Q Are you married? A Yes sir.

Q Is your husband living? A Yes sir.

Q Is he a white man or an Indian? A White man.

Q What is his name? A Tillmon Scott.

Q You make no claim for him, then? A No sir.

Q What is the name of the eldest child that you wish to make application for? A Ella Scott.

Q Her age? A Thirteen.

Q The next? A Harrison.

Q How old? A Eleven.

Q Next? A Walter, eight.

Q The name of the next? A Willie.

Q Boy? A Yes sir.

Q How old? A Four years.

Q You claim for yourself and children, do you? A Yes sir.

Q Is Tillmon Scott the father of these children? A Yes sir.

Q Were either of you married before you married each other? A Yes, we were both married before.

Q Have you any children by a former marriage that you wish to make application for? A I have one but she is the head of her family.

Q And your husband is a white man and you have no application to make for any children he may have? A No sir, only these four.

Q These children are living with you at your home? A Yes sir.

Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory? A No sir.

Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A No sir.

Q Do you understand what a treaty is? A No sir.

Q You know what a contract or agreement in writing is between people don't you? A Yes sir.

Q A treaty is the same thing only it is made in writing between Nations instead of between individuals. A Yes sir.

When made between Nations it is called a treaty; it is a compact in writing. Such a treaty was made between the United States and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September 1830. The object of that treaty was to secure the removal of all the Choctaw Indians from the old Choctaw Nation, partly in Mississippi and partly in Alabama to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory under the treaty and in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation- and it is estimated that there were between six and seven thousand of them there- article fourteen was put into the treaty, and the treaty was afterward ratified with that article in it. The article reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that article of that treaty? A Yes sir.

Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article? A I don't know.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Through the Carter and Stymiah family.

Q What relation is that person to you? A He is my great great-grandfather.

Q How much Choctaw blood did he have? A He was a full blood Choctaw.

Q Is that the Choctaw Indian name? A Yes sir.

Q Did he have an English name? A His given name was John.

Q How old would he be if living now? A I guess he would be over a hundred if living.

Q Did he live in Mississippi or Alabama in 1830? A I can't tell you for certain; he lived in Mississippi or Alabama near the Bear Creek. I have heard them tell but I don't know whether at that time or not.

Q You don't know whether in Mississippi or Alabama? A I don't know for certain which State.

Q Remember the County? A No sir.

Q You say on Pearl Creek? A Yes sir; that's the name of the Creek.

Q Did he live there in 1830? A I can't say.

Q You don't know whether he was head of a family there in Mississippi or Alabama in the old Choctaw nation in 1830? A He was the

head of a family but I don't know whether he was the head of a family and lived there at that time or not.

Q Can you give the name of any of your Choctaw ancestors who lived in Mississippi or Alabama then in 1830 and was head of a family then? A No sir; I don't know that I can give you only---

Q You claim through your father? A Yes sir.

Q How old was he when he died? A About thirty five.

Q When did he die? A About fifteen years ago; he was born about fifty years ago. Yes, fifty or fifty five.

Q Where was he born? A Down in Tennessee.

Q He claimed through which parent, father or mother? A Through his mother.

Q What was her name? A Eliza Quinn.

Q What was her maiden name? A Her maiden name was Carter and she married a Quinn.

Q Where was she born? A I can't tell you.

Q Did she ever live in Mississippi or Alabama? A I don't know.

Q She claimed through which parent? A Her mother.

Q What was her mother's name? A Onie Carter.

Q Did she ever live in Mississippi or Alabama? A Yes sir.

Q Which? A Onie Carter. A daughter of this Stymniah.

Q Well, she lived in Mississippi, did she? A Yes sir.

Q Do you know when she lived there? A No sir, I can't tell you.

Q Did she live there in 1830 and was she the head of a family there then? A I don't know.

Q You have told all you know about your Choctaw ancestors and about their Choctaw blood, have you? A Yes sir.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward who had an agency in Mississippi and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw nation East of the Mississippi River to the Choctaw Nation, Indian Territory with the other Indians between 1833 to 1838? A I don't know.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw nation under article fourteen of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under any other article or under the supplement to the treaty? A I don't know.

Q Did any of your Choctaw ancestors claim any benefits under any treaty made between the United States Government and the Choctaw Indians other than the treaty of 1830? A Not that I know of.

The Choctaw Indians who remained in Mississippi or Alabama-- that is in the old Choctaw nation-- after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent whose name was Col. Ward, at his agency in Mississippi within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become

citizens of the United States; a good many Choctaw Indians did this whose names Col. Ward neglected to put upon his list which was afterwards known as Wards' Register. His neglect to do so caused many Indians who had land in Mississippi upon which they had improvements to lose both for they were taken from them by the Government and sold at its Public Land Sale; this caused so many complaints that in 1837 by act of Congress approved March 3, that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of that treaty; in 1842 under an act approved August 23, 1842, Congress appointed another Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen? A I don't know.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of Dancing Rabbit Creek, if it also further appeared that his land which he held in the old Choctaw nation had been taken from him by the Government and sold that he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given to him. This certificate issued at that time was called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A Not that I know of.

Q Have you had any relatives who have been before this Commission claiming to be identified as Mississippi Choctaws through the same ancestor that you claim- A Not yet.

Q Have you any evidence that you want to introduce at this time or any witnesses?

(Here L.P. Hudson, attorney for applicants, asks leave to file further evidence in the near future. Granted)

Q Do you understand or speak the Choctaw language? A No sir.
Q Is there anything more you want to say in support of your claim?
A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, medium fair com-

-6-

plexian, brown hair; she does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings on March 29, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains.

Subscribed and sworn to before me this 9th day of April, 1902.

Clarence H. Wood
Notary Public.

*J. H. M.
C. W. W.*

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Nettie Scott, et al.,
for identification as Mississippi Cheetaws, consolidating the appli-
cations of-

Nettie Scott, et al	M.C.R.	8023
Eugene B. Quinn	"	8070
Joseph Quinn, et al	"	8072
Melissa Brim, et al	"	8071

--: D E C I S I O N :--

It appears from the record herein that applications for
identification as Mississippi Cheetaws were made to this Commission
by Nettie Scott for herself and her four minor children, Ella, Har-
rison, Walter and Willie Scott; by Eugene B. Quinn for himself;
by Joseph Quinn for himself and his four minor children, Ida, Fran-
ces E., Charley L., and Roy V. Quinn; and by Melissa Brim for her-
self and her minor child, Venita Brim, under the following provision
of the act of Congress approved June 28, 1896 (30 Stats., 498):

"Said Commission shall have authority to determine the
identity of Cheetaw Indians claiming rights in the Cheetaw lands
under article fourteen of the treaty between the United States
and the Cheetaw Nation, concluded September twenty-seventh,
eighteen hundred and thirty, and to that end may administer
oaths, examine witnesses and perform all other acts necessary
thereto and make report to the Secretary of the Interior."

(2).

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Onie Carter (nee Stymiah or Stammiah), who is alleged to have been a fullblood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).


It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen, of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Onie Carter (nee Stymiah or Stammiah), or a less remote ancestor of any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate

(5)

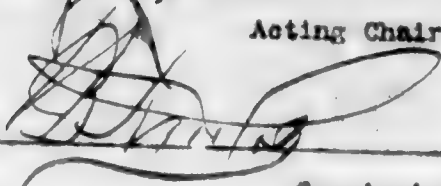
such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 313).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nettie Scott, Ella Scott, Harrison Scott, Walter Scott, Willie Scott, Eugene B. Quinn, Joseph Quinn, Ida Quinn, Frances B. Quinn, Charley L. Quinn, Roy V. Quinn, Melissa Brim and Venita Brim, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

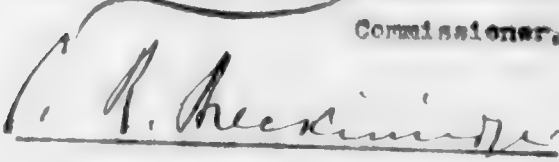
THE COMMISSION TO THE FIVE CIVILIZED TRIBES,



Acting Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

AUG 8 1902

M C R 5023

COPY.

Muskogee, Indian Territory, August 8, 1902.

Nettie Scott,
Parker, Oklahoma .

Dear Madam:

You are hereby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nettie Scott, et al., embracing the following applications for identification as Mississippi Choctaws:

Nettie Scott, et al.,	M C R 5023
Eugene B. Quinn,	M C R 5070
Joseph Quinn, et al.,	M C R 5072
Melissa Brim, et al.,	M C R 5071

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

This Commission that the
identity of the persons whose the identity of
Walter Scott, Willie
Quinn, Frances H. Quinn,
and Vanita Brin, as
Chester Indians entitled to rights in the Chester lands under
the provisions of said article fourteen of the treaty of 1850,
and that the applications for their identification as such
should be refused, and it is so ordered.

You are further advised that the Commission has on this
date forwarded the record in this case to the Secretary of the In-
terior for review and you will be informed in due time of such ac-
tion as may be taken by him.

Yours truly,

(SIGNED)

Tams Dixby.

Acting Chairman.

Registered.

M C R 5023.

COPY.

Muskogee, Indian Territory, August 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Nettie Scott, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 8, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Nettie Scott, et al.,	M C R 5023
Eugene B. Quinn,	M C R 5070
Joseph Quinn, et al.,	M C R 5072
Melissa Brim, et al.,	M C R 5071

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys for the Choctaw and Chickasaw Nations, have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

Tam. Dixby.
Acting Chairman.

Through the Commissioner
Of Indian Affairs.
1 enclosure.

COPY.

Muskogee, Indian Territory, August 8, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nation,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nettie Scott, et al., embracing the following applications for identification as Mississippi Choctaws:

Nettie Scott, et al.,	M C R 5023
Eugene B. Quinn,	M C R 5070
Joseph Quinn, et al.,	M C R 5072
Melissa Brim, et al.,	M C R 5071

These applications were made under the provisions of the act of Congress of June 22, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Said decision concludes as follows:

N. H. H. & C. Co.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nettie Scott, Ella Scott, Harrison Scott, Walter Scott, William Scott, Eugene B. Quinn, Joseph Quinn, Ida Quinn, Frances E. Quinn, Charley L. Quinn, Roy V. Quinn, Malinda Brinn and Venita Brinn, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tams Dixby.

Acting Chairman.

- - - COPY - - -

Land

47874-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Oct. 10, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the consolidated Mississippi Choctaw Case of Nettie Scott, et al., in which the applicants ask to be identified as Mississippi Choctaw Indians with rights in the lands of the Choctaw Nation.

The following cases are consolidated therein:

Nettie Scott, et al.,

Eugene B. Quinn,

Joseph Quinn, et al.

Melissa Brim, et al.

On August 8, 1902, the Commission rendered a decision in said case finding that the evidence offered by the applicants in support of their claims is insufficient to determine the identity of the applicants as Choctaw Indians entitled to rights in the Choctaw lands under the provision of the 14th article of the treaty of 1830.

The office has examined the record evidence and there is

nothing therein that tends to prove that any of the ancestors of the applicants ever complied or attempted to comply with the provisions of said article 14, or secured a patent for land thereunder.

The applicants claim to be the descendants of one Onie Carter, alias Stymniah, alias Stammiah, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in 1830. An examination of the office records fails to show that any such person ever complied or attempted to comply with the provisions of said article 14, or ever appeared before the Commissions appointed by authority of Congress to adjudicate the rights of claimants thereunder, nor do the office records show that any patent for land was ever issued to the said Carter or his aliases.

The record evidence also shows that none of the applicants herein are Choctaw Indians of the full blood.

The office therefore recommends that the decision of the Commission aforesaid be affirmed by the Department.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

W.C.B.

L.

- - - COPY - - -

D.C. 19748.

DEPARTMENT OF THE INTERIOR EAF.

ITD.6266-1902.

Washington, October 20, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:-

August 8, 1902, you transmitted the consolidated case involving the applications for identification of the following named persons as Mississippi Choctaws: Nettie, Ella, Harrison, Walter and Willie Scott; Eugene B. Quinn; Joseph, Ida, Frances E., Charley L. and Roy V. Quinn; Melissa and Venita Grim.

The applicants endeavor to trace their descent from one Onie Carter (nee Styrniah or Storniah), alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Onie Carter or a less remote ancestor of the applicants complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the Acts of March 3, 1837 (5 Stat., 513), and August 23, 1842 (5 Stat., 513),

You refused the applications August 8, 1902.

Forward-

ing the papers October 10, 1902, the Acting Commissioner recommends approval of your decision. A Copy of his letter is inclosed.

--- 8 ---

Finding no reason to modify your decision, it is hereby
affirmed.

Respectfully,

E. A. Hitchcock,
Secretary.

E.M.D.

1 Inclosure.

COPY

Muskogee, Indian Territory, November 7, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 20th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nettie Scott, et al., of which decision you were advised by mail on the 8th day of August, 1902.

Respectfully,

RECEIVED

Acting Chairman.

M.C.R. 5023

COPY.

Muskogee, Indian Territory, November 7, 1902.

Nettie Scott,

Parker, Oklahoma.

Dear Madam: .

You are hereby advised that on the 20th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nettie Scott, et al., of which decision you were advised by registered mail on the 8th day of August, 1902.

Respectfully,

Acting Chairman.

Consolidated Case
of
Nettie Scott et al.

REFER TO M. C. R.

(on John Stymnich)
(on Stymnich)
Stymnich

		Eliza Carter	Enoch F. Quinn
		married	wife
		— Quinn	Mary E. Quinn
			dead

1/2 up fail to mention Eliza ^{but} testify that Stymnich was
the great grandmother instead of great great
grandfather as Nannie Scott testifies.

MCR 5023	Nettie Quinn 38-1/2	MCR 5023	Ella Scott 13
	married		" Harrison " 11
	Tillmon Scott		" Walter " 8
	-w-		" Willie " 4
MCR 5011	Eugene B. Quinn 39-1/2		
	wife		
	Annie Quinn		
	-w-		
MCR 5012	Joseph Quinn 36-1/2	MCR 5012	Ida Quinn 12
	married		Frances E. " 9
	Nannie Scott		Charley L. " 6
	-w-		Roy V. " 1
MCR 5071	Melissa Quinn 24-1/2	MCR 5071	Venita Brim 3
	married		
	John Brian -w-		

No. 5023

For Identification as a Mississippi Choctaw.

Date

MAR 20 1907

Name Nettie Scott

Age 38 Blood 1/8

Post Office, Parker, Okla

Father: Enoch Quinn, d

Mother: Mary " d

Claims through father
Husband
Tillmon Scott, l. w.

No claim for
husband —

Children:

Ella Scott, F 13

Harrison " M 11

Walter " M 8

Willie " M 4

Claims for self &
children

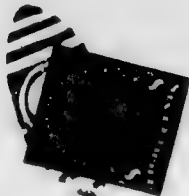
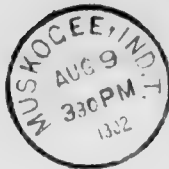
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FILE 1

JUL 1 1903

[Handwritten signature]

CHAIRMAN



Department of the Interior

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

1564

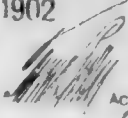
Return to Office

5023

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 23 1902



ACTING CHAIRMAN

Department of the Interior.

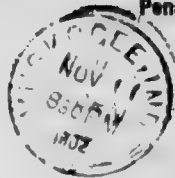
Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

*Returned
to writer*



Nettie Scott,

~~PARKER,~~

O k l a h o m a .

Choctaw MCR 5024

Doke Reed

See MCR 4974

MCR 5024

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 29, 1902.

5024

In the matter of the application of Duke Reed for identification
as a Mississippi Choctaw.

L.P.Hudson, att'y for applicant.

Duke Reed being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Duke Reed.
Q What is your age? A Twenty three.
Q What is your post office address? A Leader, Indian Territory.
Q How long have you lived at Leader? A About four months.
Q Where were you born? A In Alabama.
Q Where in Alabama? A Walker County.
Q At what age did you remove from Alabama? A I have been here
about a year.
Q Did you come from Alabama to the Indian Territory? A Yes sir.
Q Always lived in Alabama till you came to Leader? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Wiley Reed.
Q What is your mother's name? A Nancy Jane Reed.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A One eighth.
Q Has your mother ever been recognized in any way or enrolled as a
Choctaw Indian by either the Choctaw tribal authorities or the
authorities of the United States in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Fannie Reed.

- Q Is she a white woman or a Choctaw Indian? A White woman.
- Q You make no claim for her? A No sir.
- Q Have you any children under twenty one years of age and unmarried that you want to make application for? A No sir.
- Q Claim for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?
- Q Have you ever made application for citizenship or enrollment in Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory?
- A No sir.
- Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw claiming under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that article of that treaty? A Yes, I think I do.
- Q Have you heard it read and explained? A Yes sir.
- Q And you think you understand it without a further explanation?
- A Yes sir.
- Q It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States ~~shall be permitted~~ for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."
- Q Do you think you understand that article? A Yes sir.
- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article as read and explained? A --
- Q Did they do any of those things mentioned here in that article?
- A No sir; not that I know.
- Q What was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw; whom do you claim through- this Indian way back there? A My mother was Rogers.

Q Well, whom do you claim through- what Choctaw ancestor who lived in Mississippi or Alabama if you know---

Q Can you go back any farther than your father? Don't you know anything about your grandmother or great grandparents? A No sir.

Q Don't you know anything about your ancestor through whom you claim your right to be identified now? A ---

Q How do you know you are Choctaw Indian or have any blood of an Indian? A Just by what my relations tell me.

Q Well, what did they tell you? A Well, my uncle he proved a quarter; he is on the rolls here.

Q Well, you have to furnish the evidence in your own case; don't you know whether you claim through your grandfather or grandmother?

A I claim through my mother.

Q Your mother's name then was Nancy Jane Rogers before she married?

A Yes sir.

Q How old is she? A About forty seven.

Q Where was she born? A I don't know.

Q Don't you know where your mother was born? A In Alabama I reckon.

Q Do you know? A I don't know.

Q What was her father's name? A Rogers.

Q I suppose it was; but what was his full name? A John Rogers.

Q Did he have Choctaw Indian blood? A Yes sir.

Q She claimed through her father, John Rogers, then? A yes sir.

Q Where was he born? A I don't know.

Q Where did he live at any time in his life? A In Alabama.

Q Was he born there? A I don't know.

Q How old would he be if living now? A I don't know.

Q Did he live in that portion of Alabama which was known as the old Choctaw nation? A Yes sir.

Q Did he live there in 1830? A I don't know.

Q Did you ever hear that he or any of your Choctaw ancestors ever lived in any portion of the old Choctaw Nation in 1830 and was head of a family there then? A No sir.

Q Can you tell whether he claims through his father or mother?

A No sir.

Q Can you tell his father's name? A No sir.

Q Can you tell his mother's ? A No sir.

Q Can you tell where either of them was born? A No sir.

Q Have you had any relatives who have appeared before the Commission to be identified as Mississippi Choctaws? A Yes sir.

Q What is the name of some of them? A Robert L. Rogers.

Reference to M.C.R. 4974

Q What relation is Robert L. Rogers to you? A My uncle.

Q Have any other relatives of yours appeared here to be identified?

A No sir.

Q Do you want to have his case considered with yours in order that you can get the benefit of what he has testified to? A Yes sir.

Q Are you relying on his testimony to show your Choctaw ancestry?

A Yes sir.

Q You don't know anything about it? A No sir.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian agent, Col. Ward, who had an agency in Mississippi in 1830 and 1831, their intention to stay in Mississippi, take land there and become citizens of the States? A I don't know.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, between 1833 to 1838 with the other Indians? A I don't know.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of your ancestors, if Choctaw Indians, claim any land or own any in Mississippi or Alabama under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.

Q Did any of them claim any benefits as Choctaw Indians under any treaty made between the United States Government and the Choctaw Indians other than the treaty of 1830? A I don't know.

In 1837 by an act of Congress approved March 3, that year, a Commission was appointed by Congress which went to Mississippi and heard Choctaw Indian claimants who claimed rights and privileges under article fourteen of the treaty of 1830; and in 1842 a Commission was also appointed by an act of Congress approved August 23, 1842, which went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek. These two Commissions were appointed because a great many Indians claimed they had gone to Col. Ward, the United States Indian agent at his agency in Mississippi within six months after the ratification of the treaty of Dancing Rabbit Creek and had registered or attempted to register their names with him as Indians who wanted to stay in Mississippi, take land there and become citizens of the United States, but that Col. Ward had failed to put their names upon his registry list or any other list made by him, and his failure to do so had caused the Indians to lose the land which they had formerly occupied in the Choctaw nation, for their lands were taken from them and sold at Public Land Sale; this caused so many complaints among the Indians that these Commissions were appointed, one in 1837 and one in 1842.

Q Did any of your Choctaw ancestors appear before either of these Commissions and claim benefits under article fourteen of the treaty? A I don't know.

Q Did any of your Choctaw ancestors receive any scrip or certificates from the Government which entitled them to select land in either Mississippi, Alabama, Arkansas or Louisiana to take the place of the land which they claimed they had formerly held in Mississippi and which the Government had taken from them and sold? A I don't know.

Q This scrip was issued under act of Congress approved August 23, 1842. Have any other relatives except Robert L. Rogers appeared here claiming through the same common ancestor? A No sir.
Q Have you any other evidence that you want to introduce at this time or have you any witnesses that you want to call? A No sir.
Q Do you desire any time in which to introduce further testimony in this case? A No sir.

(L.P. Hudson, attorney for applicant, asks leave to file written evidence in support of this claim in the near future. Granted.)

Q Do you speak or understand the Choctaw language? A No sir.
Q Is there anything further you want to say in support of your claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, medium fair complexion, dark brown hair. He does not understand the Choctaw language and has no knowledge of the compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on March 29, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains.

Subscribed and sworn to before me this 10, day of April, 1902.

Charles H. H. H. H.

Notary Public.

COPY

Muskogee, Indian Territory, February 7, 1903.

Doke Reed,

Leader, Indian Territory.

Dear Sir:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Robert L. Rogers, et al., embracing the following applications for identification as Mississippi Choctaws:

Robert L. Rogers, et al.,	M.C.R. 4974
Doke Reed,	M.C.R. 5024
Sam Morris,	M.C.R. 5025
Nancy C. Victory,	M.C.R. 4975

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Robert L. Rogers, Emily H. Rogers, Doke Reed, Sam Morris, and Nancy C. Victory as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

John Reed, -2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Respectfully,

Tamie Bixby.
Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, April 18, 1903.

John Read,

Leader, Indian Territory.

Dear Sir:

You are hereby notified that on the 4th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert L. Rogers, et al., of which decision you were advised by registered mail on the 7th day of February, 1903.

Respectfully,

(ED).

Chairman.

No. 5024

For Identification as a Mississippi Choctaw.

Date

MAR 29 1902

Name *Dotie Reed.*

Age 23—

Blood

1/8

Post Office, Leader. I. T.

Father: *Wiley Reed.* l.

Mother: *Nancy Jane* .. l.

Claims through *Mother*
wife *Tinnie Reed, I. w.*

No claim for wife—

~~Children:~~

*Claims for self
alone*

Stenographer

N. C. Harris

Choctaw MCR 5025

Sam Morris

See MCR 4974

MCR 5025

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 29, 1902.

5025

In the matter of the application of Sam Morris for identification as a Mississippi Choctaw,

L.P. Hudson, att'y for applicant:

Sam Morris being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sam Morris.
Q What is your age? A Twenty one.
Q What is your post office address? A Holdenville, Indian Territory
Q How long have you lived at Holdenville? A Came there on the 21st of last December.
Q Where did you live before that? A In Alabama.
Q Were you born in Alabama? A Yes sir.
Q Whereabouts in Alabama? A In Walker County.
Q Where is that located? A It is in the East- I reckon.
Q Is it in the old Choctaw Nation, or don't you know? A I don't know.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir, she's dead.
Q What is your father's name? A Dave Morris.
Q What was your mother's name? A Margaret Rogers was her name before she was married.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A An eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A I don't know.
Q Are you married? A No sir.
Q Claim for yourself do you? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir, I don't know that it is.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand article fourteen of that treaty? A No sir, I don't believe I do.

Q Understand what a treaty is? A No sir:

Q Understand what an agreement is between people? A Yes sir.

Q Sometimes these treaties are made in writing and signed by the different parties to it; well, a treaty is on the same principle - it is an agreement in writing between the different parties to it but these parties are Nations instead of people. Now two Nations or more can make an agreement just the same as two people or more; when this compact is made in writing between two or more Nations it is called a treaty; an article in a treaty is one of the subdivisions of that treaty; articles in treaties are numbered from one up to as many articles as there are in the treaty. Such a treaty as that was made between the United States Government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September 1830; the object of that treaty was to effect the removal of all the Choctaw Indians as far as practicable from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, but before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under that treaty, they absolutely refused to remove. In order to protect their interests some provision had to be made for them in that treaty and article fourteen was provided for that reason, and that article fourteen was put into that treaty; it was then signed and afterwards on the 24th day of February, 1831, ratified; that article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that

case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand that article now? A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Robert L. Rogers. He is my uncle.
- Q I mean now your ancestor in a direct line back? A I don't know.
- Q You claim through your mother, do you? A Yes sir.
- Q Margaret Morris? A Yes sir.
- Q What was her maiden name? A Rogers.
- Q What was her father's name? A John Rogers.
- Q Did he live in Mississippi or Alabama? A He lived in Alabama.
- Q Do you know where in Alabama John Rogers lived? A No sir.
- Q Did he live there in 1830? A I don't know.
- Q How old would he be if living now? A I don't know.
- Q Did you ever hear your mother or anybody in your family say that her father lived in Mississippi or Alabama in 1830? A No sir, I have never heard.
- Q You don't know where and when he was born? A No sir.
- Q Or when or where he died? A No sir.
- Q Through whom did he claim his Choctaw blood? A I don't know.
- Q You are not able to tell anything about your Choctaw blood through your ancestor yourself? A No sir, I am not able.
- Q You mentioned the name of Robert L. Rogers; who is he? A An uncle of mine.
- Q He has made application to be identified as a Mississippi Choctaw? A Yes sir.

(Reference is here made to M.C.R. 974.)

- Q What relation is Duke Reed to you? A Cousin.
- Q Do you want to have his case considered with yours and that of your uncle? A Yes sir.
- Q You yourself know nothing about your Choctaw ancestry? A No sir.
- Q You rely then upon the testimony given by Robert L. Rogers, do you? A Yes sir.
- Q Do you know how much Choctaw blood your mother had? A One fourth.
- Q How do you know she had one fourth? A I have heard them talk about it? A
- Q Whom did you hear talk? A I have heard my uncle Robert.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi take land there and become citizens of the States? A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838? A I don't know.

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama either under article fourteen of the treaty of 1830 or under any other article of that treaty or under the supplement to that treaty? A I don't know.

Q Did any of your Choctaw ancestors, if Choctaw Indians, claim any benefits under any other treaty made between the United States and the Choctaw Indians other than the treaty of 1830? A I don't know.

In 1837 a Commission was appointed by act of Congress approved March 3, that year which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by act of Congress approved August 23, 1842, which also went to Mississippi and heard claimants under article fourteen of that treaty. These two different Commissions were appointed to hear Choctaw Indian claimants under article fourteen of that treaty who claimed that they had gone to Col. Ward, the United States Indian agent, within six months after the treaty of 1830 was ratified at his office or agency in Mississippi and had registered or attempted to register their names but that he had failed to put their names upon his list; this caused many Indians who held land in the old Choctaw Nation upon which they had improvements to lose both for they were taken directly away from them by the United States Government and sold at Public Land Sale; this caused so many complaints among the Indians that in 1837 as well as 1842 these two Commissions were appointed.

Q Do you know whether any of your ancestors, if Choctaw Indians, went before either of these two Commissions and claimed benefits as Choctaw Indians under that article of that treaty? A No sir, I don't know.

Q Did any of your Choctaw ancestors receive any scrip or any certificates from the United States Government which entitled them to select land in either Mississippi, Alabama, Arkansas or Louisiana, to take the place of land which they claimed they had formerly had in Mississippi in the old Choctaw Nation and which the Government had taken from them and sold? A I don't know.

Q This scrip was issued under act approved August 23, 1842. Have you any evidence you want to introduce now or any witnesses you want to call? A -

(Here I. P. Hudson makes a motion asking for time to file such evidence in the near future. Motion granted.)

Q Do you speak the Choctaw language? A No sir.

Q Is there anything more you want to say in support of this claim? A No sir

This applicant has the appearance and physical characteristics of being descended from white parentage, fair complexion, blue eyes, light hair. He does not speak the Choctaw language and has no knowledge of the compliance on the part of any of his ancestors with any

of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above proceedings on March 29, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 17th April, 1902.

Charles Mitchell Wood
Notary Public.

Miss. Choc. 5025

Muskogee, Indian Territory, July 15, 1902.

S. W. Hayes,

Ryan, Indian Territory,

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 8th instant, asking if one Sam, or Samuel Morris, has made application for enrollment as a member of the Chickasaw or Choctaw Tribe of Indians.

In reply you are advised that it appears from our record that on May 29, 1902, Sam Morris of Holdenville, Indian Territory, age twenty-one, made personal application to this Commission for identification as a Mississippi Choctaw. Up to this time no decision has been reached, nor opinion rendered, relative to the right of this applicant to identification as a Mississippi Choctaw. When a decision is rendered in this case the applicant will be duly notified of the action of the Commission, and of the forwarding of the record to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

COPY.

Muskegee, Indian territory, February 7, 1903.

Sam Morris,

Holdenville, Indian Territory.

Dear Sir:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Robert L. Rogers, et al., embracing the following applications for identification as Mississippi Choctaws:

Robert L. Rogers, et al.,	M.C.R. 4974
Doke Reed,	M.C.R. 5024
Sam Morris,	M.C.R. 5024
Nancy C. Victory,	M.C.R. 4975

These applications were made under the provisions of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Robert L. Rogers, Emily H. Rogers, Doke Reed, Sam Morris, and Nancy C. Victory as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

San Harris, -2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tams Dixie.
Acting Chairman.

Registered.

COMMISSIONERS
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

40.013.
REFER IN REPLY TO THE FOLLOWING

M.C.R.5025

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 18, 1903.


Sam Morris,

Holdenville, Indian Territory.

Dear Sir:

You are hereby notified that on the 4th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert L. Rogers, et al., of which decision you were advised by registered mail on the 7th day of February, 1903.

Respectfully,



Chairman.

No. 5025

For Identification as a Mississippi Choctaw

Date

MAR 21 1902

Name Sam Morris

Age 21

Blood 1/8

Post Office, Holdenville, I.T.

Father; Dave Morris l.

Mother; Margaret " d.

Claims through mother,

Children:

For self alone

5025



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE PUBLIC LANDS,
FILED

MAY 23 1903

A handwritten signature in dark ink, appearing to be 'J. H. ...', written over the date stamp.

CHAIRMAN





Department of the Interior.

Commissioner to the Five Civilized Tribes,
Muskogee, IND. TER.

Official Business.

Penalty for private use, \$300.

Sam Morris,

Holdenville, Indian Territory.

INTERIOR,
TO THE FIVE CIVILIZED TRIBES

FILED

APR 15 1903



CHAIRMAN

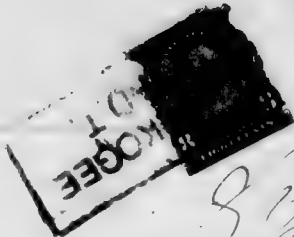
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

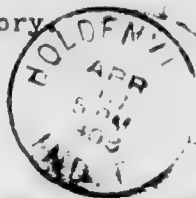
Penalty for private use, \$300.



83
Unclaimed

Sam Morris,

~~Heldenville~~, Indian Territory.



Ref 306 -
301

Choctaw MCR 5026

Sarah J. Ballard

See MCR 5272

MCR 5026

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. March 29, 1902.

5026

In the matter of the application of Sarah J. Ballard for the identification of herself and her minor child, Summers Ballard, as Mississippi Chickasaw.

L.P.Hudson, att'y for applicant.

Sarah J. Ballard being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sarah J. Ballard.
Q What is your age? A Thirty four years old.
Q What is your post office address? A Maud, Oklahoma.
Q How long have you lived there? A About nine years.
Q Where did you live before that? A Chickasaw Nation.
Q Where in the Chickasaw Nation? A Near Red River.
Q How long did you live in the Chickasaw Nation before you went to Oklahoma? A Four years.
Q Where were you born? A In Missouri.
Q Where in Missouri? A Polk County.
Q And from Missouri you went-- A To Texas.
Q How long did you live there? A I don't know.
Q And you went from Texas where? A Chickasaw Nation.
Q And then to Oklahoma? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A John Wilson.
Q What is your mother's name? A Nancy Wilson.
Q Through which parent do you claim your Chickasaw blood- father or mother? A Both of them.
Q Through both parents? A Yes sir.
Q How much Chickasaw blood do you claim? A A sixteenth.
Q One sixteenth? A Yes sir.
Q Have your parents ever been recognized as Chickasaw Indians or enrolled as such by either the Chickasaw tribal authorities or the United States authorities in the Indian Territory? A No sir.

Q When and where were your father and mother married? A Polk County, Missouri.
Q Remember the exact day of the month and year? A No sir.
Q You can introduce that proof later, can you? Do you think so?
A I don't know.

Reasonable time will be allowed for that purpose.

Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is your husband's name? A Mont Ballard.
Q White man or Indian? A White man.
Q Do you make any claim for him? A No sir.
Q You have one child you want to make application for? A Yes sir.
Q What is his name? A Summers Ballard.
Q How old is he? A Five years old.
Q You claim for him and yourself, do you? A Yes sir.
Q Is Mont Ballard his father? A Yes sir.
Q Were either you or your husband married before you married each other? A No sir.
Q This child is living with you at your home? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?
A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted with your child to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830 or under the whole treaty? A I don't know nothing about it.
Q Do you understand what a treaty is? A No sir.
Q Do you know what a contract or agreement is between people?
A Yes sir.
Q Do you know sometimes these agreements are put in writing and signed by the people, don't you? A Yes sir.
Q Well, a treaty is a contract, or more properly speaking, a compact in writing, but instead of being made between people it is made between two or more Nations and therefore it is called a treaty; such a treaty as that was made in the year 1830 at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830; between the United States Government and the Choctaw tribe of Indians who were then living in the old Choctaw Nation which was partly in Mississippi and partly in Alabama. The object of that treaty was to get the Choctaw Indians who cared to go from the old Choctaw Nation to remove as a Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that between

six and seven thousand of those Indians would not go to the Choctaw Nation, Indian Territory under that treaty. They refused to go under any circumstances; in order to protect the interests of those Choctaw Indians who stayed back there in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. It was passed for the especial purpose of protecting the interests of those Indians who remained back in the old Choctaw Nation, and this treaty was signed then, and afterwards, on the 24th day of February, 1831, it was ratified: that article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. said reservations shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article now? A Yes sir.
- Q Did any of your Choctaw ancestors comply with the provisions of that article of that treaty or attempt to? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified now as a Mississippi Choctaw? A --
- Q What is the name of this ancestor you are claiming through?
- A I don't understand you.
- Q I mean your grandfather or grandmother, your great grandfather--
- A My grandfather.
- Q What was his name? A Johnson.
- Q What was his full name? A Jim Johnson.
- Q Did he live in Mississippi in the year 1830? A I don't know.
- Q Did he ever live in Mississippi? A I don't know.
- Q Did he ever live in Alabama? A I don't know.
- Q You claim through both parents? A Yes sir.
- Q What relation is Jim Johnson to your father? Any? A No sir.
- Q Was he your mother's father? A Yes sir.
- Q How much Choctaw blood did Jim Johnson have- if you know?
- A I don't know.
- Q Where did he die? A Polk County, Missouri.
- Q How old was he when he died? A I don't know.
- Q How old would he be if living now? A I don't know.
- Q Where was he born? A I don't know; I have heard he was in Mississippi.
- Q How did you hear that? A Through my mother.
- Q Your mother told you that her father, Jim Johnson, was born in Mississippi? A Yes sir.
- Q Do you know if he would be 72 years old if living now? A No sir, I don't know.
- Q You could give no estimate when he was born in Mississippi?
- A No sir.
- Q Did he claim his Choctaw blood through his father or mother?
- A I don't know.

- Q Do you know his father's name? A No sir.
- Q Do you know his mother's name? A No sir.
- Q Did either his father or mother or both of them live in Mississippi? A I don't know.
- Q Well, but you understand that this Jim Johnson, your grandfather lived, was born in Mississippi; therefore his mother must have been living in Mississippi. A Yes sir.
- Q But you cannot tell when? A No sir.
- Q You are not able to give the Commission any information then about your mother's ancestors having been in Mississippi in 1830 and being heads of families then? A No sir.
- Q Now tell me, if you can, how much Choctaw blood your father, John Wilson, had? A I can't tell you; I know that papa claimed part Choctaw.
- Q Did he ever live in Mississippi? A I don't know.
- Q Did his father or mother ever live there? A I don't know.
- Q Through which parent did he claim Choctaw blood? A -
- Q John Wilson? A Through his grandmother.
- Q Through his father or mother? A I don't know.
- Q You say you claim through his grandfather; on his father's or mother's side? A I don't know.
- Q You are not able to give any information then in regard to the Choctaw blood which you claim through your father, John Wilson? A No sir.
- Q Did the Choctaw ancestors of either your father or mother own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did the ancestors of either of them within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors on either your father's or mother's side go from the old Choctaw Nation to the Choctaw Nation in Indian Territory with the other Indians between 1833 to 1838? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any in either Mississippi or Alabama under article fourteen of the treaty of 1830 or under any other article or under the supplement to that treaty? Yes sir.
- Q Well, who did? A My grandfather.
- Q What was his name? A Jim Johnson.
- Q He claimed land under article fourteen, did he? A No, not land; I didn't understand what you mean.
- Q The question is did he claim land in Mississippi or Alabama or own any under article fourteen of the treaty of 1830 or under any other article or under the supplement to that treaty? A No sir; he didn't.
- Q Did he or any of your Choctaw ancestors claim any benefits under any other treaty than the treaty of 1830? A No sir.
- Q The only ancestor whose name you are able to give at all is your mother's father, Jim Johnson? A Yes sir.
- Q And you don't know whether he lived in Mississippi? A Only that my mother said he was born there.
- Q When? A I don't know.

Q You can't give any idea as to when he was born? A No sir.

Q Or whether he had a family there in 1830? A No sir.

Q Have any other members of your family been before the Commission to be identified as Mississippi Choctaws claiming through the same ancestor you claim? A No sir.

Q You are the first of your family? A Yes sir.

Q Then you are not able to determine the fact as to whether you had a Choctaw Ancestor who lived in Mississippi and was the head of a family there in 1830 at the present time; do you think if allowed reasonable time you can introduce evidence to prove it? A Yes sir.

Q Do you want a little time for that purpose? A Yes sir.

Reasonable time will be allowed this applicant in which to show if she can that she had a Mississippi Choctaw ancestor who lived in Mississippi in 1830 and that he was the head of a family there at that time and that he complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The Indians who remained in the old Choctaw nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent, Indian, Col. Ward, within six months from the ratification of that treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States; a good many Choctaw Indians did this whose names Col. Ward failed to put upon his list known as Ward's Register; it is estimated that at least between six and seven thousand Choctaw Indians remained after the main portion of the members of that tribe had gone West of the Mississippi River, and of that number, not more than 143 heads of families appear upon any list or partial list made by Col. Ward, United States Indian agent; his neglect to make a proper register of the applicants under article fourteen caused a good many Indians who had lands in the old Choctaw Nation upon which they had improvements to lose both lands and improvements- both were taken away from them by the Government and sold at its Public Land Sales; this caused so many complaints among the Choctaw Indians that congress appointed a Commission in 1837 by an act approved March 3, 1837, and this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 another Commission was appointed by Congress for the same purpose under an act approved August 23, that year, and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Do you know if any of the Choctaw ancestors of yours went before either of these Commissions and claimed benefits under article fourteen of that treaty? A No sir.

Q Did any of your Choctaw ancestors receive any scrip from the Government of the United States as Choctaw Indians under that which entitled them to select land in Mississippi, Louisiana, Alabama or Arkansas to take the place of land which they formerly held in the old Choctaw Nation and which the Government had taken from them and sold? A No sir.

-4-

Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium fair complexion, brown eyes, brown hair; she does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported all the proceedings had in the above entitled cause on March 29, 1902, and that this is a full, true and correct transcript of his stenographic in said cause on said date.

Henry G. Hains.

Subscribed and sworn to before me this 24th day of April, 1902.

Charles M. Wood

Notary Public.

COPY.

M.C.R. 5026.

Muskogee, Indian Territory, April 13, 1903.

Sarah J. Ballard,

Maud, Oklahoma.

Dear Madam:

You are hereby advised that on the 13th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John W. Willson, et al., embracing the following applications for identification as Mississippi Choctaws:

John W. Willson, et al.,	M.C.R. 5272
Sarah J. Ballard, et al.,	M.C.R. 5026
William C. Willson, et al.,	M.C.R. 5609
Lydia N. Morrill, et al.,	M.C.R. 5610
May Smedley, et al.,	M.C.R. 5611.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John W. Willson, Nancy Willson, Edward Willson, Frank Willson,

S. J. B.,

-2-

Carrie Willson, Lillie Willson, Alameda Ascock, Sarah J. Ballard, Sumner Ballard, William C. Willson, Lanta Willson, Ruby Willson, Lydia E. Merrill, Malia Merrill, Walter Merrill, Lawrence Merrill, May Smedley, William Smedley, Curtis Smedley and Lucy Smedley as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tam Bixby.

Chairman.

Registered.

M. C. R. 5026.

COPY

Mustoge, Indian Territory, July 14, 1903.

Maud, Oklahoma,

Dear Madam:-

You are hereby notified that on the 18th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John W. Willson et al., of which decision you were advised by registered mail on the 13th day of April, 1903.

Respectfully,

E. R. [Signature]
Commissioner in Charge.

No. 5026

For Identification as a Mississippi Choctaw.

Date

MAR 29 1902

Name Sarah J. Ballard.

Age 34 — Blood $\frac{1}{16}$

Post Office, Maud, Okla.

Father: John Wilson, l.

Mother: Nancy " l.

Claims through Both parents,
Husband
Mont Ballard, l.w.

No claim for husband

Children:

Summers Ballard, 5-

Claims for self
& child

Stenographer

N. G. Harris

Choctaw MCR 5027

David Foran

MCR 5027

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

In the matter of the application of David Foran for identification as a Mississippi Choctaw, M. C. R. 5027.

---- I N D E X ----

List of papers forwarded to the Secretary of the Interior, comprising the record in the case of David Foran, M. C. R. 5027.

	Page.
Original application of David Foran before the Dawes Commission for identification as a Mississippi Choctaw, - - - - -	1
Decision of the Commission refusing the application of David Foran for identification as a Mississippi Choctaw, - - - - -	5

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 29, 1902.

5027

In the matter of the application of David Foran for identification as a Mississippi Choctaw.

L.P. Hudson, att'y for applicant.

David Foran being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A David Foran.
Q What is your age? A Twenty one.
Q Are you married? A No sir.
Q What is your post office address? A Violet, Oklahoma.
Q How long have you lived in Oklahoma? A Two years.
Q Where did you live before that? A Choctaw Nation.
Q How long did you live in the Choctaw Nation? A Nineteen years.
Q Were you born there? A Yes sir.
Q What place? A Bokoshe, Indian Territory.
Q Is your father living? A No sir; dead.
Q Is your mother dead? A Yes sir.
Q What was your father's name? A Charles Foran.
Q What was your mother's name? A Jennie Foran.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A One eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A I don't know.
Q Are you married? A No sir.
Q Claim for yourself, do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized tribes under the act of Congress of June 10, 1896? A No sir.
Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Q Do you understand article fourteen of the treaty of 1830? A I think I do.

Q Do you want to have it explained further to you? A No.

The article, called article fourteen, reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

Q You understand that, do you? A Yes sir.

Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article? A No sir; I don't know.

Q What is the name of your ancestor through whom you claim your right to be identified now? A Dyers.

Q Full name? A Joseph Dyers.

Q What relation was he to you? A Great grandfather.

Q How much Choctaw blood did he have? A Three fourths.

Q Did he live in Mississippi in 1830? A Yes sir.

Q Was he the head of a family there then? A I don't know sir.

Q Did he have a family of children there then? A I don't know sir.

Q In what part of Mississippi, did he live in 1830, do you know? A No sir.

Q How old would he be if living now? A I don't know.

Q Where was he born and when? A In Mississippi somewhere.

Q When and where did he die? A In Mississippi.

Q You don't know when? A No sir.

Q You claim through which parent? A My mother.

Q How old would she be if living? A Forty two.

Q Where was she born? A In Mississippi.

Q Did she claim through her father or mother? A Father.

- Q What was his name? A James Dyers.
- Q Was he born in Mississippi? A Yes sir.
- Q Did he always live in Mississippi? A I don't know.
- Q How old would he be if living now? A I don't know.
- Q Do you know whether he would be an old man or middle age? A An old man.
- Q And was born in Mississippi? A I don't know.
- Q Do you know whether he would be seventy or eighty years old now?
- A No sir, I don't.
- Q He claimed through his father, Joseph Dyer? A Yes sir.
- Q Have you any family knowledge or history or tradition that your great grandfather, Joseph Dyer lived in Mississippi in 1830 and had a family of children there then? A No sir, I haven't got; it was told by my people; I was told that my great grandfather lived and was born and died in Mississippi.
- Q And you think he was living there in 1830? A Yes sir.
- Q But you don't know whether he had a family there then? A No sir.
- Q Don't know anything about his father or mother? A No sir.
- Q Did any of your Choctaw ancestors claim any improvements on land in Mississippi or own any there in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian agent Col. Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the United States? A No sir; I don't know sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, between 1833 to 1838 with the other Indians? A No sir, I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any there under article fourteen of the treaty of 1830 or under any other article of that treaty or under the supplement to that treaty?
- A I don't know.

The Choctaw Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wished to take advantage of the provisions of article fourteen of that treaty to go within six months after the ratification of that treaty to Col. Ward, the United States Indian agent at his agency in Mississippi and tell him that they wanted to stay in Mississippi, take land there and become a citizen of the United States; a good many Choctaw Indians did this whose names Col. Ward failed to put upon his list known as Ward's register; his neglect to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both; they both were taken from them by the Government and sold; this caused a great many complaints among the Choctaw Indians, so that in 1837 by an act approved March 3, that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek; in 1842 another Commission was appointed by Congress for the same purpose and that Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits as Choctaw Indians under article fourteen
A I don't know.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830 if it was also shown that he had formerly held land in the old Choctaw Nation that the Government had taken from him and sold that he should be entitled to select land in either Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given to him; these certificates were called scrip. Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians? A I don't know.

Q Have any of your relatives been before this Commission to be identified as Mississippi Choctaws? A I don't know it.

Q Have you any other evidence you want to introduce or any witnesses you want to call at this time? A Not now.

Q Care for any time? A Yes sir.

Q How much? A (J.P. Hudson, att'y, asks for reasonable time.)

Reasonable time will be allowed this applicant in which to furnish other evidence if he desires in support of this application, if presented under the rules of the Commission.

Q Do you speak the Choctaw language? A No sir.

Q Is there anything more you want to say in support of this claim?
A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium fair complexion, blue eyes, brown hair; he does not speak the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on March 24, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 24th day of April, 1902.

Margaret J. Haines

Notary Public.

J. H. M.
C. W. C.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

In the matter of the application of David Peran for identification as a Mississippi Choctaw, M. C. N. 8027.

---- DECISION. ----

It appears from the record herein that an application for identification as a Mississippi Choctaw was made to this Commission by David Peran for himself under the following provision of the act of Congress, approved June 23, 1896 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that said applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-sev-

enth, eighteen hundred and thirty, by reason of being a descendant of one Joseph Dyers, who is alleged to have been a three-quarter blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that said applicant has never been enrolled by the Choctaw tribal authorities, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Joseph Dyers, or ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

--3--

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of David Feron as a Cheetaw Indian entitled to rights in Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

James Birney.

Acting Chairman.

SIGNED

I. B. Needles.

Commissioner.

SIGNED

C. R. Breckinridge.

Commissioner.

Mustagee, Indian Territory,

OCT 23 1902

Muskegee, Indian Territory, October 23, 1902.

David Foran,

Violet, Oklahoma.

Dear Sir:

You are hereby advised that on the 23rd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of David Foran, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of David Foran as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

D.F.---2

case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tame Dixby.
Acting Chairman.

Registered.

Muskogee, Indian Territory, October 23, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 23rd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of David Foran, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of David Foran as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to

M. McK. & C. 100-2

file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James T. Dixon
Acting Chairman.

COPY.

Muskogee, Indian Territory, November 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of David Peran, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 23, 1902.

The Commission has the honor to report that the applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been advised by letter, of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tamm Diney

Acting Chairman.

Through the
Commissioner of Indian Affairs.

1 enclosure, M C R 5027

(COPY)

Land
67,824-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington. Jan. 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of the following parties: David Foran for himself, wherein a decision adverse to the applicant was rendered by the commission on October 23, 1902.

The testimony in this case shows that the applicant bases his claim to identification as a Mississippi Choctaw under this application because of his descent from Joseph Dyer and Jan. Dyer. He claims that his ancestors were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicant because the names of his ancestors through whom he claims did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicant has never been enrolled as a citizen of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of Joseph Dyer and Jas. Dyer and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case it is evident that the decision of the commission rejecting the applicant was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

(R.B.H.)

Commissioner.

P.

(COPY)

D.C.No.4577-1903.

DEPARTMENT OF THE INTERIOR.

RAV.

Washington.

ITD.1068-1903.

February 12, 1903.

L R S

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 8, 1902, you transmitted the record in the matter of the application for identification of David Foran as a Mississippi Choctaw, including your decision of October 23, 1902, adverse to the applicant.

He claims rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being a descendant of one Joseph Dyers, who is alleged to have been a three-fourths blood Choctaw Indian residing in Mississippi in 1830.

The records fail to show that the applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Joseph Dyers, or an ancestor less remote, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting January 24, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

-2-

The Department has reviewed the record in the case
and hereby affirms your decision.

Respectfully,

(Signed)

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 5027

COPY.

Maskagee, Indian Territory, February 24, 1903.

David Peran,

Violet, Oklahoma.

Dear Sir:

You are hereby notified that on the 12th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 23d day of October, 1902.

Respectfully,

James M. G. G.

Chairman.

COPY.

M.C.R. 8087

Waukegon, Indian Territory, February 24, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 12th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of David Veran, of which decision you were advised by mail on the 23d day of October, 1902.

Respectfully,

James P. Bishop
Chairman.

No. 5027

For Identification as a Mississippi Choctaw.

Date MAR 20 1902

Name David Foran

Age 21 — Blood 1/8

Post Office, Violet, Okla.

Father: Charles Foran. d

Mother: Jennie " d

Claims through mother

~~Children:~~

Claims for self
alone,

Stenographer H. G. Hains

Choctaw MCR 5028

Elan Bell

See MCR 4475, 5085, 5086
5098, 5181, 5084, 5182, 5183, 5185

MCR 5028

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Elan Bell, et al., for
Identification as Mississippi Choctaws.

-oOo-

Herein is the record in the matter of the application of
Elan Bell, et al., for identification as Mississippi
Choctaws, M.C.R. 5028.

-oOo-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Elan Bell, et al., for
identification as Mississippi Choctaws, M.C.R. 5028.

--: I N D E X :--

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Original application of Elan Bell, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission identifying Kah- no-ti-ma-ho-nah Bell as a Mississippi Choctaw-----	7

-oOo-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Elan Bell, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Elan Bell, et al.,	M.C.R. 5028
Jennie Comby, et al.,	M.C.R. 4475
Cornelius Bell, et al.,	M.C.R. 5182
Jimman Bell,	M.C.R. 5186
Teach Jacob, et al.,	M.C.R. 5086
Johnson Bell, et al.,	M.C.R. 5181
Ailsey Amos, et al.,	M.C.R. 5185
Tom Clemmons, et al.,	M.C.R. 5084
Smith Bell, et al.,	M.C.R. 5085
Madison Cousin, et al.,	M.C.R. 5098

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

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Original application of Elan Bell, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Original application of Jennie Comby, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	7
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Original application of Ailsey Amos, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	26
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Decision of the Commission refusing the applications of Elan Bell, et al., for identification as Mississippi Choctaws-----	47.

5028

Wm. J. Bell

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Seale, Mississippi, March 21st, 1902.

In the matter of the application of Elan Bell for the identification of himself and his wife, Kah-no-ti-ma-ho-nah, as Mississippi Choctaws.

Said Elan Bell, being first duly sworn, testified as follows:
(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Elan Bell.
Q Have you a Choctaw name? A Ish-tam-bee.
Q How old are you? A I don't know exactly how old I am but white people raised up with me told me I was sixty-eight or sixty-nine years old.
Q What's your postoffice address? A Coffadelliah is the closest postoffice-I never did write to nobody and nobody ever wrote to me.
Q What County do you live in? A Kemper.
Q How long have you lived in Kemper County? A About thirty-five years.
Q Where did you live before that? A Neshoba.
Q All your life before that? A Yes.
Q How much Choctaw blood have you? A My mother's father was a white man.
Q Your mother was a half blood, then? A Yes.
Q And you would be three fourths Choctaw, then, and one fourth white? A Yes.
Q What was your father's name? A Ish-tam-bee.
Q He was a full blood Choctaw, was he? A Yes.
Q Did he live in this Country all his life, in Mississippi? A Yes.
Q Is your mother living? A She's dead.
Q What was her name? A Jennie.
Q Did she have a Choctaw name too? A No, just the name Jennie.
Q She was half Choctaw and half white? A Yes.
Q Did she live in this State all her life, too? A Yes.
Q Do you know the name of your father's father? A I don't know.
Q Or your mother's mother or father? A No.
Q Are you married? A Yes.
Q Are your wife living? A First wife dead and then I married again.
Q ~~In your present~~ What's your present wife's name? A Kah-no-ti-ma-ho-nah.
Q Has she an English name too? A No.
Q Is she a full blood too? A Yes.
Q All Choctaw? A Yes.
Q How old is she? A She's older than I am-I spect about eighty.
Q Were you married to her under a license or according to Choctaw custom? A Choctaw custom.
Q How long have you been living with her? A About thirty years.
Q Are you living together now? A Yes.
Q Have you got any children by her? A No.
Q How many children have you ~~living~~? A Four boys and three girls.
Q What's the name of your eldest boy? A Cornelius.
Q What's the next one? A Jiaman--white folks call it Jim.
Q What's the next one? A Johnnie. I don't know.

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POOR ORIGINAL -
BEST AVAILABLE COPY

Man Bell et al--2

Q Next one? A Office Bell.
Q What are your daughters names? A Ailsie Bell.
Q Is she married? A No.
Q What's the name of your next daughter? A Mary.
Q Is she married? A Yes.
Q What's her husband's name? A Teach.
Q Next one? A Siamah.
Q Is she married? A yes.
Q What's her husband's name? A Isom Comby.
Q Lives at Laurel Hill? A yes.
Q What's her English name? A Jennie.
Q Is that all your daughters that are living? A Yes.
Q Has Ailsie any children? A One.
Q What's his name? A Boston.
Q What was his daddy's name? A Amos.
Q About how old is Boston? A About fourteen.
Q Was Amos a full blood Choctaw? A yes.
Q Has Teach any other name? A That's all I know.
Q Is he a full blood? A Yes.
Q About how old a man is he? A I don't know how old he is.
Q About fifty-five? A I think so.
Q Does he live over there right near you? A yes.
Q And Ailsie lives with you, does she? A Yes, right over by me.
Q How many children have Teach and this daughter of yours? A
Three.
Q What are their names, the oldest first? A Buford.
Q Is he the oldest? A Yes.
Q How old is he? A About fourteen.
Q What's the next one after Buford? A Tonnas.
Q Is that a boy or girl? A Boy.
Q About how old is he? A About twelve or thirteen.
Q What's the next child's name? A Emmon.
Q That is a boy too? A yes.
Q How old is he? A About eight.
Q Is that all of Teach's children? A No, there's another one.
Q What's the other one's name? A Willis.
Q About how old is he? A About six.
Q They just have four children, then? A Yes, all their others are
dead.
Q Those four live with them now, do they? A yes.
Q There are no other people living in that family, are there? A No
Q Ailsie just has one child, Boston? A yes.
Q Is Cornelius Married? A Yes.
Q What was the name of Cornelius' mother? A Bissie.
Q She was your first wife? A yes.
Q Was she a full blood Choctaw too? A yes.
Q How long did you live with her? A About thirty years.
Q How long has she been dead? A About twenty years.
Q Did she die before you married your other wife, or after? A
After she died married other wife.
Q Was Bissie the mother of all your children that you have named?
Yes.
Q Did she have a Choctaw name? A Yes.
Q Did she live here in Mississippi all her life? A Yes.
Q Do you know her father's name? A No.
Q Do you know her mother's name? A I don't know.

Ellis Bell et al---3

- Q What's Cornelius' wife's name? A Sallie.
Q About how old is Cornelius? A About forty.
Q About how old is Sallie? A I don't know how old.
Q Is she about the same age as Cornelius? A I think so.
Q Is she a full blood Chootaw? A Yes.
Q How many children have they? A None.
Q None at all? A One's that's dead.
Q Haven't they ~~any~~ any children living with them at all? A No.
Q Was Cornelius married before he married her? A No.
Q Was she ever married before she married him? A No.
Q The next child of yours is what? A Jimman.
Q Has he ever been married? A Yes, but his wife's dead.
Q Has he any children? A No.
Q No children living with him at all? A No.
Q What's the name of the next boy? A Johnson.
Q About how old is he? A About thirty.
Q Is he married? A Yes.
Q Is his wife living? A Yes.
Q What's her name? A Susanne.
Q Is she a full blood? A Yes.
Q About how old is she? A About the same age as Johnson.
Q Has he ever been married more than once? A No.
Q Has Susanne? A Her first husband is dead.
Q Did she have any children by her first husband? A No, her children are all dead too.
Q How many children have Johnson and Susanne living? A Four, I think.
Q What's the name of the oldest one? A Malinda.
Q About how old is Malinda? A About fourteen.
Q What's the next one? A Lige.
Q About how old is he? A About twelve.
Q What's the name of the next one? A Joe.
Q How old is Joe? A About eleven.
Q What's the name of the next one? A Jamus.
Q How old is he? A About eight.
Q Is that all their children? A No, another one.
Q What's that one's name? A I cant think of it.
Q Is it a boy or girl? A Girl.
Q You cant think of her name? A No, cant think of it.
Q About how old is she? A About five.
Q They are all the children of Johnson and Susanne, are they? A Yes.
Q Have they any other children living with them? A No.
Q These five children are living with them though? A Yes.
Q Office Bell gave in his name at Meridian, didn't he, last year?
A Yes.
Q Is Office married? A Yes.
Q What's his wife's name? A I cant think of it.
Q Has any application of any description ever been made for you or any of your children or grandchildren whom you have named? A No.
Q As for any of your sons-in-law or daughters-in-law? A No, none except Office and his wife.
Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A No.

The treaty of Dancing Rabbit Creek was entered into here

in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time the treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Q Did any of your ancestors or any of the ancestors of either of your wives ever comply or attempt to comply with its provisions or ever get any benefits under it? A I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.

Q Did any of them live here at that time? A I don't know.

Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A No--I don't know.

Q Did you ever hear of any of them ever getting any money from the Government? A No.

Ellen Bell et al--5

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land, and on this account the Government, at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they were entitled to land under the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1842 and heard a great many of these Choctaw cases.

Q Did any of your ancestors or any of the ancestors of either of your wives appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No--I've heard about that Commission but I don't know of anyone of my ancestors who appeared.

An act of Congress approved the 23d day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in the place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of the ancestors of either of your wives ever get any scrip from the Government of the United States under this act of Congress? A No--If any of them get any scrip I never heard of it.

Q Do you know of any old persons living who would likely know whether any of your ancestors or any of the ancestors of any of your wives ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits under it? A I don't know of any one--If Charlie Montubbee was living he would know something about it--he died about three weeks ago.

Wes Bell et al--6

- Q Do you know of any written evidence of any kind ,any deeds, patents, or papers of any kind, which would prove or tend to prove such a state of facts? A I don't know of any.
- Q Have you any witnesses here today? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any of our appointments here in Mississippi this Spring, including the one at Meridian between the 14th and 30th of April next, or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q Are there any further statements you want to make? A No.
- Q Have you any children dead who left children? A No.

This applicant appears to be possessed of fully as much Indian blood as is claimed by him. He speaks and understands the Choctaw language and some English, the examination having been conducted chiefly through a sworn Choctaw Interpreter. His habits and customs are those of a full blood Indian--he lives among and associates entirely with the Indians. He is a leader among a group of Indians known as the Bogue Chittos, who have always refused to make application of any description to the Commission and great difficulty has been experienced in inducing him to make application. His children have always refused to make application to the Commission and for that reason the examination of the applicant has been made to disclose fully the names of his children and grand-children, there being a possibility that we will not be able to secure applications from them.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Seale, Mississippi, March 21st, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 31st day of March, 1902,
at Seale, Mississippi.

L. D. Mosley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Elan Bell, et al., for identification as Mississippi Choctaws, M.C.R. 5028.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on March 21, 1902, by Elan Bell for himself and his wife, Kah-no-ti-ma-ho-nah Bell, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that Kah-no-ti-ma-ho-nah Bell is a full-blood Mississippi Choctaw Indian. The principal applicant is a mixed-blood Choctaw, and as such does not come within the purview of Section forty-one of the act of Congress approved July 1, 1902, (32 Stats., 641). Whatever rights as a Mississippi Choctaw he may possess by reason of being a mixed blood Choctaw will be determined at a later date.

(2)


Section forty-one of the act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902 (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is therefore the opinion of this Commission that Kah-no-ti-ma-ho-nah Bell should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Commissioner.

Muskogee, Indian Territory,

COPY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-c00-

In the matter of the application of Elan Bell, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Elan Bell, et al.,	M.C.R. 5028
Jennie Comby, et al.,	M.C.R. 4475
Cornelius Bell, et al.,	M.C.R. 5182
Jimman Bell,	M.C.R. 5183
Teach Jacob, et al.,	M.C.R. 5086
Johnson Bell, et al.,	M.C.R. 5181
Ailsey Amos, et al.,	M.C.R. 5185
Tom Clemmons, et al.,	M.C.R. 5084
Smith Bell, et al.,	M.C.R. 5085
Madison Cousin, et al.,	M.C.R. 5098

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Elan Bell for himself and his wife, Kah-no-ti-ma-ho-nah Bell; by Jennie Comby for herself and her three minor children, Robert, Gus and Pearlle Comby; by Teach Jacob for Cornelius Bell and his wife, Sallie Bell; by Teach Jacob for Jimman Bell; by Teach Jacob for himself, his wife, Mary Jacob and his four minor children, Ruford, Thomas, Emmen and Willis Jacob; by Teach Jacob for Johnson Bell, his wife, Susanne Bell, and his four minor children, Malinda, Lige, Joe and Jamus Bell; by Teach Jacob for Ailsey Amos and her minor

child, Boston Ames; by Tom Clemmons for himself, his wife, Winnie Clemmons, and his five minor children, Munch, Phoebe, Eunice Pa-a-ma-tubbee and Chuf-fah-tah-moly; by Smith Bell for himself, his wife, O-mi-ohce Bell, and his three minor children, Buddy and Pauline Bell; and by Madison Cousin for himself, his wife, Emily Cousin, and his minor child, George Cousin, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It appears from the record herein that at the time Teach Jacob made application for the identification of Johnson Bell, his wife and minor children, applicants in M.C.R. 5181, as Mississippi Choctaws, he also made application for another minor child whose name he was unable to state. Although the principal applicant in said case has been repeatedly requested to furnish the name of said child, he has failed to do so.

From the records of the Commission it appears that Kah-no-ti-ma-ho-na, wife of the principal applicant in M.C.R. 5028, Sallie Bell, wife of the principal applicant in M.C.R. 5182, Teach Jacob, the principal applicant in M.C.R. 5086, Susanne Bell, wife of the principal applicant in M.C.R. 5181, Minnie Clemmons, wife of the principal applicant in M.C.R. 5084, O-mi-ohce Bell, wife of the principal applicant in M.C.R. 5085, and Madison Cousin, principal applicant in M.C.R. 5098, who are full-blood Mississippi Choctaw Indians, have been by this Commission duly identified as Mississippi Choctaws under the provisions of Section forty-one of the act of

Congress approved July 1, 1902, (32 Stat., 641). The evidence herein shows that all the other applicants are mixed blood Choctaws and as such do not come within the purview of said section.

It also appears that all of the applicants herein, except the persons above named who have heretofore been identified, and the applicants in M.C.R. 5084, M.C.R. 5085 and M.C.R. 5098, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Ish-tambee, who is alleged to have been a full-blood Choctaw Indian, and Jennie, who is alleged to have been an one-half blood Choctaw Indian; that the minor applicants in M.C.R. 4475 also claim said rights by reason of being descendants of Isom Comby, who is alleged to have been a full-blood Choctaw Indian; that the minor applicants in M.C.R. 5086 also claim said rights by reason of being descendants of Jacob (or He-mah-ka-yah) and Julia, both of whom are alleged to have been full-blood Choctaw Indians; that the minor applicant in M.C.R. 5181 also claim said rights by reason of being descendants of Farbus Frazier and Mary Frazier, both of whom are alleged to have been full-blood Choctaw Indians; that the minor applicant in M.C.R. 5185 also claims said rights by reason of being a descendant of Ames, who is alleged to have been a full-blood Choctaw Indian; that the principal applicant in M.C.R. 5084 claims said rights by reason of being a descendant of I-o-pon-na, who is alleged to have been a Choctaw Indian, degree of blood not stated; that the minor applicants in M.C.R. 5084 and the applicants in M.C.R. 5098, except Madison Cousin, claim said rights by reason of being descendants of the said last named ancestor and Lah-eum-hog-tubbee, who is alleged to have been a full-blood Choctaw Indian; that the

principal applicant in M.C.R. 5085 claims said rights by reason of being a descendant of Ish-tambee, I-e-pen-na and Ho-pah-ka-tubbee, the latter of whom is alleged to have been a Choctaw Indian, degree of blood not stated; and that the minor applicants in M.C.R. 5085 claim said rights by reason of being descendants of the last above named ancestors and Ah-be-to-nubbee, who is alleged to have been a full-blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw Citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321), nor are any of the applicants herein parties litigant before the Choctaw-Chickasaw Citizenship court created under the act of Congress approved July 1, 1902, (32 Stats., 641).

It is found that the name Ish-tambee appears on page 223, Jenny on page 690, Amos on pages 405, 569, 631, 690 and 859, Iopanna on pages 375 and 544 and Ho-pah-ka-tubbee on pages 375, 468 and 689 of Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. the United States before the Court of Claims No. 12742 in a number of lists, statements and depositions relating to claims arising under article fourteen of the treaty of eighteen hundred and thirty, but it does not appear from the evidence submitted by the applicants herein that the ancestors through whom they claim are identical with any of the persons whose names appear in the

record above cited.

It is further found that persons bearing the names of Ho-pah-ka-tubbe and Amas received scrip as beneficiaries under article fourteen of the treaty of "Dancing Rabbit Creek," but there is nothing in the testimony of the applicants which tends to show that the persons who received such scrip are identical with any of the persons through whom they claim.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Ish-tambee, or Jennie, or Amos, or I-o-pon-na, or Ho-pah-ka-tubbee, through whom these applicants claim, or Isom Comby, or Jacob (or He-mah-ka-yah), or Julia, or Farbus Frazier, or Mary Frazier, or Lah-cum-hon-tubbee, or Ah-be-to-nubbee, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Flan Bell, Jennie Comby, Robert Comby, Gus Comby, Pearlie Comby, Cornelius Bell, Jimman Bell, Mary Jacob, Buford Jacob, Thomas Jacob, Eamon

Jacob, Willis Jacob, Johnson Bell, Malinda Bell, Lige Bell, Joe Bell, James Bell, Ailsey Ames, Boston Ames, Tom Clemmons, Munch Clemmons, Phoebe Clemmons, Eunice Clemmons, Fa-a-na-tubbee Clemmons, Chuf-fah-tah-nely Clemmons, Smith Bell, Buddy Bell, Pauline Bell, Emily Cousin, Georgie Cousin and the minor applicant in W.C.R. 5181, whose name is not disclosed, as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHIEF

Tams Birby.

Chairman.

"

T. B. Neill.

Commissioner.

RECORD

C. R. Irwin.

Commissioner.

Muskogee, Indian Territory,

SEP 16 1904

SEP 16 1904

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

HEREIN IN REPLY TO THE FOLLOWING

M.C.R. 5028.

Muskogee, Indian Territory, September 3, 1903.

H. Van V. Smith,
Special Agent of the Government,
Meridian, Mississippi.

Dear Sir:

There is enclosed you herewith one copy of the testimony in the matter of the application of Elan Bell, of Coffadelliah, Mississippi, for the identification of himself and his wife as Mississippi Choctaws.

The principal applicant in this case is unable to give any information as to the parents of his wife; and you are directed, if possible, to secure from Elan Bell, or some other person or persons who have knowledge of said parents, an affidavit, deposition or such other testimony as is procurable, relative to said ancestors.

If you are able to secure this evidence, please return the same, together with the record in the case, at the earliest practicable date, in order that a decision may be prepared.

Respectfully,

Enc.: M.C.R. 5028.

Chairman.

Meridian, Mississippi, September 23, 1903.

~~E~~lan Bell,

Coffadelliah, Mississippi.

Dear Sir-

It appears from the records of the Commission that on March 21, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

Very respectfully,

File No. 12
M C R 5028.

Special Agent

M.C.R. 2582
" " " 2933
" " " 5028
" " " 5155

Muskogee, Indian Territory, October 14, 1903.

Dibben Marris,

Armore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter without date, asking the status of your application and the application of Coleman Morris, Morris Morris and Edmund Bell.

In reply to your letter, you are informed it appears from our records that Dibbin Marris and Coleman Marris are applicants to this Commission for the identification of themselves and their families as Mississippi Choctaws, and Elan Bell and Marris Marris are applicants for identification as Mississippi Choctaws. The Commission has not yet passed upon these applications for identification as Mississippi Choctaws. As soon as decisions are reached the applicants will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

Meridian, Mississippi, November 17, 1903.

Klan Bell,

Coffadelliah, Mississippi.

Dear Sir-

Under date of September 23, 1903, the following letter was written to you:

It appears from the records of the Commission that on March 21, 1902, application was made for the identification of yourself and family as Mississippi Choctaws.

I now have these records in my possession, and in order that a decision in your case may be rendered by the Commission, it will be necessary for you to personally appear before the Commission at Meridian, Mississippi, at the earliest practicable date, and testify relative to your rights to identification as Mississippi Choctaws.

Under the present law, all persons who may be identified by the Dawes Commission as Mississippi Choctaws will be entitled to participate in the distribution of the tribal property of the Choctaws and Chickasaws, and may, at any time within six months after the date of their identification, remove to and make bona fide settlement in the Choctaw-Chickasaw country, Indian Territory.

Please write me at once, stating whether or not you desire to give testimony in your case, and if so when you will come to Meridian for that purpose. You will find me at the Federal Building between the hours of 8 a.m. and 6 p.m.

If you wish to give further testimony in support of your claim it will be necessary for you to appear before the Commission at Meridian, Mississippi, as indicated in the above quoted letter, at the earliest practicable date.

Very respectfully,

M.C.R. 5028.

Muskogee, Indian Territory, May 5, 1904.

Kah-no-ti-ma-ho-nah Bell,
Coffadelliah, Mississippi,

Dear Madam:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 5, 1904, identifying you as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

Under the provisions of the law above cited, in order for you to avail yourself of the benefits of such identification, you must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before November 3, 1904, and must make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory, on or before May 3, 1905.

Respectfully,

(SIGNED)

Registered.
Enc. MCR 5028.

Bis
Chairman.

COPY.

M.C.R. 5028

Muskogee, Indian Territory, May 5, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 5, 1904, identifying Kah-no-ti-ma-ho-nah Bell as a Mississippi Choctaw, under the provisions of Section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

You are hereby notified that you will be allowed fifteen days from the date hereof within which to file with this Commission such protest as you desire to make against the action of this Commission in identifying said Kah-no-ti-ma-ho-nah Bell as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein. If you fail to file protest within the time allowed, her name will be placed upon the schedule of July identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

James B. Bixby

Chairman.

Registered.
Enc. MCR 5028.

COPY.

Muskogee, Indian Territory, September, 16, 1904.

Elan Bell,

Coffadollah, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision, refusing your application for identification as a Mississippi Choctaw.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamc Dixby.

Chairman.

Registered.

M.C.R. 5028

C.C.Y.

Muskogee, Indian Territory, September 16, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered September 16, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elan Bell, et al.

You are further advised that the applicants herein have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamc Dixby.

Chairman.

Incl. MCR 5028

Muskogee, Indian Territory, October 3, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated Mississippi Choctaw case of Elan Bell, et al., including the decision of the Commission of September 16, 1904, refusing the applications of Elan Bell, Jennie Comby, Robert Comby, Gus Comby, Pearlle Comby, Cornelius Bell, Jimman Bell, Mary Jacob, Buford Jacob, Thomas Jacob, Emmen Jacob, Willis Jacob, Johnson Bell, Malinda Bell, Lige Bell, Joe Bell, Jamus Bell, Ailsay Amos, Boston Amos, Tom Clemmons, Munch Clemmons, Phoebe Clemmons, Eunice Clemmons, Pa-a-ma-tubbee Clemmons, Chuf-fah-tah-noly Clemmons, Smith Bell, Buddy Bell, Pauline Bell, Emily Cousin, Georgie Cousin and the minor applicant in M C R 5181 whose name is not disclosed, applicants in this case.

The Commission has the honor to report that the applicants herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

You are further advised that on March 12, 1904, the Commission rendered a decision identifying Teach Jacob and Madison Cousin, applicants in this consolidated case, as full blood Missis-

(2)

issippi Choctaws, their names appearing upon a schedule of duly identified Mississippi Choctaws opposite numbers 1998 and 1999, approved by the Secretary of the Interior May 2, 1904; also on May 5, 1904, Kah-no-ti-ma-ho-nah, Minnie Clemmons, O-mi-choe Bell and Sallie Bell were identified by this Commission as full blood Mississippi Choctaws, their names appearing upon a schedule of duly identified Mississippi Choctaws approved by the Secretary of the Interior on July 16, 1904 opposite numbers 2148, 2150, 2151 and 2163, respectively; also on August 12, 1904, Susanne Bell was identified by this Commission as a full blood Mississippi Choctaw, and her name will be placed upon a schedule of duly identified Mississippi Choctaws prepared for forwarding to the Department for approval.

Respectfully,

Through the

Commissioner of Indian Affairs.

Chairman.

C O P Y

Land.

69766-1904.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, December 10, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated October 3, 1904, transmitting the record of the Consolidated applications for identification as Mississippi Choctaws by Elan Bell for himself and his wife, Kah-no-ti-ma-ho-nah Bell; by Jennie Comby for herself and her three minor children, Robert, Gus and Pearlle Comby; by Teach Jacob for Cornelius Bell and his wife, Sallie Bell; by Teach Jacob for Jimman Bell; by Teach Jacob for himself, his wife, Mary Jacob and his four minor children, Buford, Thomas, Eamon and Willis Jacob; by Teach Jacob for Johnson Bell, his wife, Susanne Bell and his four minor children, Malinda, Lige, Joe and Janus Bell; by Teach Jacob for Ailsay Amos and her minor child, Boston Amos; by Tom Clemmons for himself, his wife, Minnie Clemmons, and his five minor children, Munch, Phoebe, Eunice Fa-a-ma-tubbee and Chuf-fah-tah-moly; by Smith Bell for himself, his wife, O-mi-chee Bell, and his two minor children, Buddy and Pauline Bell; and by Madison Cousin for himself, his wife, Emily Cousin, and his minor child, George Cousin.

(2)

It appears from the record that Teach Jacob also made application for another minor child whose name he was unable to state and though repeatedly requested by the Commission he has failed to furnish the name of said minor.

It appears that heretofore, Kah-no-ti-ma-ho-nah, Sallie Bell, Teach Jacob, Susanne Bell, Minnie Clemmons, O-mi-ches Bell and Madison Cousin have been duly identified by the Commission as full blood Mississippi Choctaws.

September 16, 1904, the Commission decided adversely to all the other applicants.

The record shows that all the other applicants are mixed blood Choctaws. It also appears that all of the applicants except Tom, Munch, Phoebe, Eunice, Fa-a-ma-tubbee and Chuf-fah-tah-moly Clemmons, Smith Bell, Buddy Bell and Pauline Bell, and Emily and George Cousin claim rights in the Choctaw lands under article 14 of the treaty of Dancing Rabbit Creek by reason of being descendants of Ish-tambee, who is alleged to have been a full-blood Choctaw Indian, and Jennie, who is alleged to have been an one-half Choctaw Indian; that the minor applicants, Robert, Gus and Pearlle Comby, claim said rights by being descendants of Isom Comby, who is alleged to have been a full-blood Choctaw Indian; that the minor applicants, Buford, Thomas, Emmon and Willis Jacob claim said rights by reason of being descendants of Jacob (or He-mah-ka-yah)

and Julia both of whom are alleged to have been full-blood Choctaw Indians; that the minor applicants, Malinda, Lige, Joe and James Bell claim said rights by being descendants of Farbus and Mary Frazier, both of whom are alleged to have been full-blood Choctaw Indians; that the minor applicant, Boston Amos, claims said rights by reason of being a descendant of Amos, who is alleged to have been a full-blood Choctaw Indian; that the principal applicant, Tom Clemmons, claims said rights by reason of being a descendant of I-o-pon-na, who is alleged to have been a Choctaw Indian, degree of blood not shown; that the minor applicants, Munch, Phoebe, Eunice, Fa-a-ma-tubbee and Chuf-fah-tah-moly clemmons and Emily and George Cousin claim said rights by reason of being descendants of the last named ancestor and Lah-cum-hon-tubbee, who is alleged to have been a full blood Choctaw Indian; that Smith Bell claims said rights by reason of being a descendant of Ish-tambee, I-o-pon-na and Ho-pah-ka-tubbee, the latter of whom is alleged to have been a Choctaw Indian, degree of blood not shown; and that the minor applicants, Buddy and Pauline Bell claim said rights by reason of being descendants of the last named ancestors and Ah-be-ta-nubbee, who is alleged to have been a full-blood Choctaw Indian.

It further appears from the record, and from the records of this office, that none of the applicants has ever been recognized, enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States tribunal nor are they

(4)

parties litigant before the Choctaw-Chickasaw Citizenship Court.

From the records of this office it is found that persons bearing the names of Ho-pah-ka-tubbee and Amas received scrip as beneficiaries under article 14 of the treaty of 1830, but there is nothing in the record which tends to show that the persons who received such scrip are identical with any of the persons through whom the applicants claim.

It does not appear from the record, or from the records of this office, relating to persons who complied or attempted to comply with the provisions of said article 14 of the treaty of Dancing Rabbit Creek, and to persons who heretofore were claimants thereunder, that Ish-tambee, or Jennie, or Amos, or I-o-pon-na, or Ho-pahka-tubbee, through whom the applicants claim, or Isom Comby, or Jacob (or Ha-mah-ko-yah), or Julia or Farbus Frazier, or Mary Frazier, or Lah-cum-hon-tubbee, or Ah-be-to-nubbee, or ancestors less remote signified in person or by proxy to any person an intention to comply with the provisions of article 14 of the treaty of 1830, or presented a claim to rights under the same or subsequent legislation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

M.M.M.
W.

D.C. 3030

C O P Y

G.R.

DEPARTMENT OF THE INTERIOR,
Washington. LLB

I.T.D. 12600-1904.
230-1905.

January 13, 1905.

L. R. S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

October 3, 1904, you transmitted the record in the consolidated applications of Elan Bell et al., M.C.R., 5028 et al., for identification as Mississippi Choctaws, including your decision of September 16, 1904, denying to the following-named applicants, who are mixed-blood Choctaws, the right to be identified as such, viz: Elan Bell, Jennie Comby, Robert Comby, Gus Comby, Pearlle Comby, Cornelius Bell, Jimman Bell, Mary Jacob, Buford Jacob, Thomas Jacob, Emmen Jacob, Willis Jacob, Johnson Bell, Malinda Bell, Lige Bell, Joe Bell, James Bell, Ailsey Amos, Boston Amos, Tom Clemmons, Munch Clemmons, Phoebe Clemmons, Eunice Clemmons, Fa-a-ma-tubbe Clemmons, Chuf-fah-tah-noly Clemmons, Smith Bell, Buddy Bell, Pauline Bell, Emily Cousin, Georgie Cousin and the minor applicant in M.C.R. 5181, whose name is not disclosed.

It appears of record that Kah-no-ti-ma-ho-na, wife of the principal applicant in M.C.R. 5028, Sallie Bell, wife of the principal applicant in M.C.R. 5182, Teach Jacob, the principal

(2)

applicant in M.C.R. 5086, Susanne Bell, wife of the principal applicant in M.C.R. 5181, Minnie Clemmons, wife of the principal applicant in M.C.R. 5084, O-mi-chee Bell, wife of the principal applicant in M.C.R. 5085, and Madison Cousin, principal applicant in M.C.R. 5098, who are full-blood Mississippi Choctaw Indians, have been by the Commission duly identified as Mississippi Choctaws under the provisions of section forty-one of the act of Congress approved July 1, 1902 (32 Stat., 641).

The Acting Commissioner of Indian Affairs reporting in the matter December 10, 1904, recommended that your decision be affirmed. Copy of said letter is herewith inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Your attention is invited to the fact that the name of Office Bell appears upon the identified Mississippi Choctaw roll approved by the Secretary April 7, 1903, opposite No. 689, as a full blood, age 30, and it is believed that the said Office Bell is identical with Office Bell, son of Elan Bell, a mixed-blood Choctaw, and rejected applicant herein.

You are requested to make an investigation, and if it be found that the identified Office Bell is identical with Office Bell son of Elan Bell, a mixed-blood Choctaw, the name of Office Bell should be stricken from the identified Mississippi Choctaw rolls.

Respectfully,

THOS RYAN

1 inclosure.

Acting Secretary.

COPY.

M.C.R. 5028

Muskogee, Indian Territory, March 9, 1906.

Elan Bell,

Coffadeliah, Mississippi.

Dear Sir:

You are hereby notified that on the 13th day of January, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, included in the consolidated case of Elan Bell et al., of which decision you were advised by registered mail on the 16th day of September, 1904.

Respectfully,

SIGNED:

James Bixby
Chairman.

COPY.

Muskogee, Indian Territory, March 9, 1905.

Manfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 13th day of January, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elan Bell et al., a copy of which decision was mailed you on the 16th day of September, 1904.

Respectfully,

(SIGNED):

James Bixby
Chairman.

Muskogee, Indian Territory, March 6, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to departmental letter of January 13, 1905 (ITD 12500-1904, 230-1905), approving the Commission's decision of September 16, 1904, denying certain mixed-blood applicants in the consolidated Mississippi Choctaw case of Ekan Bell, et al., the last two paragraphs of said letter are as follows:

"Your attention is invited to the fact that the name of Office Bell appears upon the identified Mississippi Choctaw roll approved by the Secretary of the Interior April 7, 1903, opposite No. 689, as a full blood, age 30, and it is believed that the said Office Bell is identical with Office Bell, son of Ekan Bell, a mixed-blood Choctaw, and rejected applicant herein.

You are requested to make an investigation, and if it be found that the identified Office Bell is identical with Office Bell, son of Ekan Bell, a mixed-blood Choctaw, the name of Office Bell should be stricken from the identified Mississippi Choctaw rolls."

Reporting in this matter the Commission has to advise that from an examination of the records in the possession of this office it does appear that the identified Office Bell is a son of Ekan Bell, a mixed-blood Choctaw, and that the Commission's decision identifying said Office Bell was in error.

In view of the above we have the honor to recommend that the identification of Office Bell whose name appears opposite num-

-2-

ber 689 on a schedule of duly identified Mississippi Choctaws approved by the Secretary of the Interior on April 7, 1903, be cancelled from the copy of said schedule in the office of the Secretary of the Interior and the Commissioner of Indian Affairs, and that the Commission be authorized to make like cancellation upon the copies of said schedule in its possession.

Respectfully,

Chairman.

Commissioner.

Commissioner.

Through the Commissioner
of Indian Affairs.

REF

O.M.O. R

5028

Elan Bell et al

Consolidated Com

Ishtambee, full 21-
wife
Jennie, 1/2 dead

mch
5078

Elaan Bell, 3/4, 68

Ishtambee

married

① Bessie, full, dead

mch
5078

② Kah-no-ti-ma-honah, full

mch
5182

Cornelius Bell, 40 7/8

married
Sallie Wallace, fl.

mch
5183

Jimman Bell, 35 7/8

mch
5086

Mary Bell, 40 7/8

Teach Jacob, full

King Comby, dead

William Comby

Sudie Comby,

married
Frank Taber

mch
4475

Ben Comby, 27 full

mch
4475

married
Dump Ben, full

mch
2170

Almon Comby, 19, full

married
Sib Amos, 22, full

mch
4475

Robert Comby, 18

Gus Comby, 11

Pearlie Comby, 6

mch
4475

Segmour Comby, 1

mch
5086

Buford Jacob, 17

Thomas Jacob, 11

Emmon Jacob, 7

Willis Jacob, 3

Ishtamber full 8
 1 wife
 Jennie 1/2 dead

Elan Bell 3/4 68
 Ishtamber
 Married

- ① Bissie, full dead
- ② Bissie
 Kah-no-toma-honah full 80

met 5181
 Johnson Bell, 30 7/8

met 5181 married
 * Susanna Frazier, 30 full

* FATHER = FARBUS FRAZIER D
 * MOTHER = MARY FRAZIER D

met 1791
 Office Bell, 30, full
 married
 Mandy Frazier, 28 full

met 5185
 Hilsey Bell 7/8 27
 married
 Amos, full 20

met 5181
 Malinda Bell, 14
 Lige Bell, 12
 Joe Bell, 11
 James Bell, 8
 Bell (E) 5

met 1791
 John Bell, 3
 Jim Bell, 25
 Annie Bell, 4 mos.

met 5185
 Boston Amos, 15.

#1903

No. 5028

For Identification as a Mississippi Choctaw.

Seale, Miss.

Date MAR 21 1902

Name Elan Bell

Ish-tam-bee.

Age 68

Blood

3/4

Post Office, Coffadeliak, Miss

Father: Ish-tam-bee (hus) d

Mother: Jennie (1/2) d

Claims through both parents.

Claims for self and wife
wife: Kah-no-ti-ma-to-nah (hus) 80

Children:

Father's father - don't know

Stenographer

S. S. Niles.

FOR IDENTIFICATION AS
A-MISSISSIPPI CHOCTAW.

15028

Elan Bell et al

REFER TO M. C. R.

4475, Jennie Comby, et al
~~5182~~ ^{Ben Comby et al} ~~Cornelius Bell et al~~
~~5183~~ ^{Lib Comby, et al} Jimman Bell,
5086 Leach Jacobs and
5181 Johnson Bell
1791 Office Bell
5185 Ailsey Amos et al

Robert L. Gentry

FIELD
JUN 30 1905
COMMISSION TO THE TERRITORIES

6181
JUN 28 1905
N. SKOBE, IND. TER.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

McCain

Revised

13587

10851

Elan Bell,

Coffadeliah, Mississippi.

REGISTERED
SEP 20 1904
MUSKOGEE, IND. TER.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

SEP 26 1904

[Handwritten signature]

CHAIRMAN

Department of the Interior.

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

MUSKOGEE, IND. TER.
JAN 1 1894
RECEIVED



Returned to writer
Kah-no-ti-ma-ho-nah Bell,

Care Flan Bell (Ish-tam-bee),

Coffadelliah, Mississippi.

Unclassified

*12965
11158*

Choctaw MCR 5029

Jewett Bell

MCR 5029

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----O-----

In the matter of the application of Jewett Bell for
identification as a Mississippi Choctaw, M.C.R. 5029.

-----O-----

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----O-----

In the matter of the application of Jewett Bell for
identification as a Mississippi Choctaw, M.C.R. 5029.

- : I N D E X : -

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Decision of the Commission identifying above applicant....	6

-----O-----

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Seale, Mississippi, March 22nd, 1902.

In the matter of the application of Jewett Bell for identification as a Mississippi Choctaw.

Said Jewett Bell, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Jewett Bell.
Q How old are you? A About fifty.
Q How much Choctaw blood have you? A Full blood.
Q What's your postoffice address? A Aden:
Q Do you live in Neshoba County? A Yes.
Q How long have you lived in Neshoba County? A Lived here all my life.
Q Is your father living? A No.
Q What was his name? A Alex Bell.
Q Was he a full blood Choctaw? A Full blood.
Q Did he have a Choctaw name? A No.
Q Have you a Choctaw name? A No.
Q Is your mother living? A No.
Q What was her name? A Sallie.
Q Did she have a Choctaw name? A No.
Q Was she a full blood Choctaw? A Yes.
Q Do you know the name of any of your grandparents? A Hubbee was my grandfather.
Q Your father's father? A My mother's father.
Q Is Hubbee the only name that grandfather of yours had? A Yes, all I know.
Q Are you married? A No, I was married once but we separated.
Q Have you any children living? A Was one but it died.
Q Have you any minor children living with you? A No, just me.
Q This application, then, is for yourself only, is it? A Yes sir.
Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A I don't know.
Q Has any application of any description ever been made for you before today for the purpose of establishing your rights as a Choctaw Indian? A Yes.
Q Three years ago, at Philadelphia? A Yes.

The records of the Commission show that on the 1st day of February, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of this applicant as a Mississippi Choctaw, his name appearing on Mississippi Choctaw card Field No. 287, also upon page 72 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10th, 1899, being number 988 thereon.

- Q Is the application made for you three years ago at Philadelphia

Jewett Bell--2

the only application of any description that has ever been made in your behalf for the purpose of establishing your rights as a Choctaw Indian? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek?

A Yes.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek

A No.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi and not move out west to the new Nation, might receive land here in Mississippi from the Government. That 14th article is as follows:

Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the State, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that 14th article now? A Yes.

Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?

A I don't know.

Jewett Bell--3

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A If they did I don't know it.

Q Did any of them live here at that time? A I think they did.

Q Who of them do you think lived here at that time-71 years ago?

A My oldest brother, Nicholas, I think he might live here at that time.

Q Did any of your ancestors move to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838?

A I don't know.

Q Did any of them ever get any land from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A No.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and on this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I never did hear of that.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in the place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from

Jewett Bell--4

vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress? A I don't know.
- Q If any of your ancestors, then, ever received any benefits whatever as Choctaw Indians you have never heard of it? A No.
- Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No.
- Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No.
- Q Have you any written evidence of any kind to offer at this time in support of your application? A No.
- Q Have you any witnesses to offer? A No.
- Q Are there any further statements you want to make at this time in support of your application? A No.
- Q Have you any brothers living? A Yes, two.
- Q What are their names? A Scott Bell and Wesley Bell.
- Q Where does Wesley live? A Close to Kosciusko.
- Q Where does Scott live? A Close to Plattsburg.
- Q Have you any sisters living? A Three sisters living.
- Q What are their names? A Ellen and Phoebe.
- Q Is Ellen married? A Yes.
- Q What's her husband's name? A Sampson Tubbee.
- Q Does she also go by the name of Caroline? A Yes.
- Q Is Phoebe married? A Yes.
- Q What's her husband's name? A Calvin Isom.
- Q What's the name of your other sister? A Martha.
- Q Is she married? A Yes.
- Q What's her husband's name? A Allison.
- Q What's his other name? A That's all I know.
- Q Where does he live? A With Henson.

Commission:

His name is probably Allison Thompson.

- Q Did you ever hear Allison called Anderson? A No.
- Q Have you any brothers or sisters dead who left children? A One brother left children.
- Q What was that brother's name? A Nicholas Bell.
- Q How many of his children are living now? A One, Silman Bell, lives near Franks.

This applicant has the appearance of being a full blood Indian--speaks and understands the Choctaw language and very little English, the examination having been conducted almost entirely through a sworn Choctaw interpreter.

Ira S. Niles, being first duly sworn, states that as stenographer

Jewett Bell--5

to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Seale, Mississippi, March 22nd, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

L. B. Moseley
Subscribed and sworn to before me this the 1st day of April, 1902,
at Seale, Mississippi.

L. B. Moseley,
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

Civil

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Jewett Bell for identification as a Mississippi Choctaw, M.C.R. 5029.

D E C I S I O N

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission on March 22, 1902 by Jewett Bell for himself under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary there-to and make report to the Secretary of the Interior."

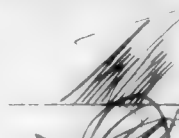
From the evidence submitted in support of said application it appears that the applicant is a full blood Mississippi Choctaw Indian.

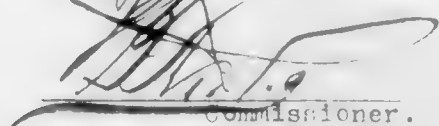
Section forty-one of the act of Congress entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902 (32 Stats., 541) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Cickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Jewett Bell should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Tuskogee, Indian Territory,

FEB 14 1903

COPY.

M.C.R. 5029

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Jewett Bell, as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Jewett Bell as a Mississippi Choctaw and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED) *Tams Bixby.*

Registered.
Enc. I.B.S. 10.

Acting Chairman.

COPY.

H.C.R. 5029

Muskogee, Indian Territory, March 11, 1903.

Jewett Bell,

Aden, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself as a Mississippi Choctaw Indian under the provisions of section 41 of the Act of Congress approved July 1, 1902 (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman,

Registered.

Enc. H.C.R. 5029.

#1900

No.

5029

For Identification as a Mississippi Choctaw.

Seah, Miss

Date

MAR 22 1902

Name

Jewett Bell

Age

50

Blood

pure

Post Office,

Aden, Miss

Father:

Alex Bell

Mother:

Sallie

"

Claims through

For self only.

Children:

Miss. Choctaw card No. 287.

Stenographer

J. J. Miles.

Jewett Bell.

34303-9

**COPY OF DECISION FORWARDED
APPLICANT**

MAR 11 1903

Choctaw MCR 5030

Lewis Wallace

MCR 5030

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---- O ----

In the matter of the application of Lewis Wallace for
identification as a Mississippi Choctaw, M.C.R. 5030.

---- O ----

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Lewis Wallace for
identification as a Mississippi Choctaw, M.C.R. 5030.

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Decision of the Commission identifying above applicant....	5

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Seale, Mississippi, March 22nd, 1902.

In the matter of the application of Lewis Wallace for identification as a Mississippi Choctaw.

Said Lewis Wallace, being first duly sworn, testified as follows:-
(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Lewis Wallace.
- Q How old are you? A I couldn't tell you.
- Q About how old? A About twenty-six.
- Q How much Choctaw blood have you? A Full blood.
- Q What's your postoffice address? A Aden.
- Q How long have you lived in Neshoba County? A Raised in Neshoba-lived here nearly all my life.
- Q Have you lived in the State of Mississippi all your life? A Yes.
- Q Is your father living? A No.
- Q What was his name? A Wallace.
- Q Is that all the name he had? A That's all I heard.
- Q Did he have a Choctaw name too? A If he did I don't know it.
- Q Is your mother living? A No sir.
- Q What was her name? A Sealy.
- Q Were both your parents full blood Choctaws? A Yes.
- Q Did they live in Mississippi all their lives? A Yes.
- Q Do you know the name of any one of your grandparents? A No sir, I don't know any of them.
- Q About how old would your father be if he were living now, do you know? A No sir, I don't know.
- Q How long has he been dead? A I don't know/how long--when I was a little fellow.
- Q You don't know how old he was when he died? A No sir.
- Q Do you know how old your mother would be if she were living now? A No sir.
- Q Are you married? A No sir.
- Q You have been married? A Yes sir.
- Q Separated from your wife? A Yes.
- Q Is she married again? A Yes sir.
- Q Have you any children living? A No sir.
- Q This application, then, is for yourself only? A Yes sir.
- Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A I don't know.
- Q Has any application of any description ever been made in your behalf before today for the purpose of establishing your rights as a Choctaw Indian? A Yes, three years ago.

The records of the Commission show that on the 2nd day of February, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of this applicant as a Mississippi Choctaw his name appearing upon Mississippi Choctaw card Field No. 303, also upon page 75 of the schedule of Mississippi Choctaws annexed to the

Lewis Wallace--2

report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, being No. 1065 thereon.

- Q Is this application made for you three years ago the only application of any kind that has ever been made for you for the purpose of establishing your rights as a Choctaw Indian? A Yes.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Yes.
- Q You heard it fully explained in the examination of Jewett Bell, a full blood, this morning, did you not? A Yes.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A If they did I don't know.
- Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.
- Q Did any of them live here at that time? A I don't know.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A If they did I don't know it.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know.
- Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Did you ever hear of any of your people ever having gotten any land or money from the Government? A No, never heard.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land and, on this account, the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and

Lewis Wallace--3

Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, I never did hear it.

An act of Congress approved the 23d day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to ~~select~~ select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government under this act of Congress? A I never did hear of it.

Q Do you know any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No, I don't know of any one.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No.

Q Have you any written evidence to offer at this time? A No.

Q Have you any witnesses here today to testify in your behalf?

A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here in Mississippi, at any of our appointments including the one at Meridian between April 14th and 30th next, or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make at this time?

A No.

Q Have you any brothers living? A One brother.

Q How old is he? A I don't know.

Lewis Wallace--4

- Q About how old? A He's a minor.
Q Where does he live? A He lives on Mimm's place, in Neshoba County.
Q What's his name? A Comby Wallace.
Q Have you any brothers or sisters dead who left children? A One of my brothers left children.
Q What was that brothers name? A Bill Wallace.
Q How many children are living now? A One.
Q What's the name of that child? A Jane Wallace.
Q How old is she? A Three years old last Christmas.
Q With whom does she live? A Lives with one of my sisters.
Q What's your sister's name? A Rachel Wallace, wife of Mose.
Q Where does Mose live? A Lives on the John Marshall place.
Q Is the child's mother living? A Yes.
Q Where does she live? A She's living with Tom Kate, near here.
Q Are any of your father's brothers or sisters living? A No.
Q Are any of your mother's brothers or sisters living? A No.
Q Are any of the children of your father's brothers or sisters living? A No.
Q Are any of the children of any of your mother's brothers or sisters living? A No.

This applicant has the appearance of being a full blood Indian--speaks and understands the Choctaw language and some English, the examination having been conducted partially in English and partially through a sworn Choctaw interpreter.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Seale, Mississippi, March 22nd, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 1st day of April, 1902,
at Seale, Mississippi.

L. B. Maxwell
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *Mark*

Deputy.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---- 0 ----

C. W.
In the matter of the application of Lewis Wallace for
identification as a Mississippi Choctaw, M.C.R. 5030.

D E C I S I O N

It appears from the record herein that a plication for
identification as a Mississippi Choctaw was made to this Commis-
sion on March 20, 1902 by Lewis Wallace for himself under the fol-
lowing provision of the act of Congress approved June 28, 1898
(30 Stats., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation con-
cluded September twenty-seventh, eighteen hundred and
thirty, and to that end may administer oaths, examine
witnesses, and perform all other acts necessary thereto
and make report to the Secretary of the Interior."


From the evidence submitted in support of said appli-
cation it appears that the applicant is a full blood Mississippi
Choctaw Indian.

Section forty-one of the act of Congress entitled "An
act to ratify and confirm an agreement with the Choctaw and Chick-
asaw tribes of Indians, and for other purposes," approved July 1,
1902 (32 Stats., 841) and ratified by the Choctaw and Chickasaw
Nations September 21, 1902, provides as follows:

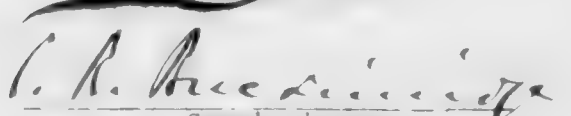
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Lewis Wallace should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

COPY.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Lewis Wallace as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Lewis Wallace, as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Tame Dixby.

Acting Chairman.

Register.

G

GR-Encl.-21-5

M.C.R. 5030.

COPY.

Muskogee, Indian Territory, March 11, 1903.

Lewis Wallace,

Aden, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian, under the provisions of section 41 of the act of Congress approved July 3, 1902, (32 Stat., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Eishomingo, Chickasaw Nation.

Respectfully,

(SIGNED).

Tams Bixby.
Chairman.

Registered.

Enc.: 5030.

#1905

No. 5030

For identification as a Mississippi Choctaw.

Seah Miss.
Date

MAR 22 1902.

Name *Lewis Wallace*

Age *26* Blood *full*

Post Office, *Aden, Miss*

Father: *Wallace* d

Mother: *Italy* " d

Claims through

For self only.

Children:

Miss Cho. card No. 303.

Stenographer

J. J. Niles.

Lewis Wallace

R 5730

3

COPY OF DECISION FORWARDED
APPLICANT

MAR 11 1903

Choctaw MCR 5031

Comby. Wallace

MCR 5031

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--- O ---

In the matter of the application for the identification
of Comby Wallace as a Mississippi Choctaw, M.C.R. 5031.

--- O ---

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the identification of
Comby Wallace as a Mississippi Choctaw, M.C.R.5031.

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3031

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Seale, Mississippi, March 22nd, 1902.

In the matter of the application of Comby Wallace for identification as a Mississippi Choctaw, represented by his brother Lewis Wallace.

Said Lewis Wallace, being first duly sworn, testified as follows:
(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Lewis Wallace.
Q How old are you? A About twenty-six.
Q What's your postoffice address? A Aden, Mississippi.
Q Are you a full blood Choctaw? A Yes.
Q Are you the Lewis Wallace who made application before the Commission this morning? A Yes.
Q Have you a minor brother living, by the name of Comby Wallace?
A Yes sir.
Q About how old is he? A About seventeen.
Q Is he your full brother? A Yes sir.
Q Same father and same mother? A Yes sir.
Q He is a full blood Choctaw, then? A Yes.
Q Where does he live? A Lives near me.
Q Is Aden his postoffice address? A Yes.
Q Have you ever been appointed guardian for him by the Court? A No, he didn't have nobody to see after him but I just thought I would see about it.
Q Has any application of any description ever been made for him for the purpose of establishing his rights as a Choctaw Indian?
A No sir.
Q How old was he when his parents died? A Our father died before this boy was born and my mother died about two years ago.
Q Since your mother's death have you looked after this boy? A Yes.
Q What was the name of the boy's father? A Wallace.
Q What was his mother's name? A Sealy.
Q Is the boy married? A No.
Q You are sure that no application has ever been made for him before? A Yes, no application was made for him before.

Reference is hereby made to the testimony of Lewis Wallace given before the Commission on this date in support of his own application. Comby Wallace, for whom this application is made, is a full brother of Lewis Wallace and dependant in a measure upon Lewis Wallace, the parents both being dead.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full

Comby Wallace--2

all proceedings had in the above entitled cause, heard at Seale, Mississippi, March 22nd, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Comby Wallace
Subscribed and sworn to before me this the 1st day of April, 1902, at Seale, Mississippi.

L. B. Mosley
Clerk U.S. Circuit Court, Southern
District of Mississippi.

By *March*

Deputy.

30

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Seale, Mississippi, March 22nd, 1902.

In the matter of the application of Lewis Wallace for identification as a Mississippi Choctaw.

Said Lewis Wallace, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Lewis Wallace.
Q How old are you? A I couldn't tell you.
Q About how old? A About twenty-six.
Q How much Choctaw blood have you? A Full blood.
Q What's your postoffice address? A Aden.
Q How long have you lived in Neshoba County? A Raised in Neshoba-lived here nearly all my life.
Q Have you lived in the State of Mississippi all your life? A Yes.
Q Is your father living? A No.
Q What was his name? A Wallace.
Q Is that all the name he had? A That's all I heard.
Q Did he have a Choctaw name too? A If he did I don't know it.
Q Is your mother living? A No sir.
Q What was her name? A Sealy.
Q Were both your parents full blood Choctaws? A Yes.
Q Did they live in Mississippi all their lives? A Yes.
Q Do you know the name of any one of your grandparents? A No sir, I don't know any of them.
Q About how old would your father be if he were living now, do you know? A No sir, I don't know.
Q How long has he been dead? A I don't know how long--when I was a little fellow.
Q You don't know how old he was when he died? A No sir.
Q Do you know how old your mother would be if she were living now? A No sir.
Q Are you married? A No sir.
Q You have been married? A Yes sir.
Q Separated from your wife? A Yes.
Q Is she married again? A Yes sir.
Q Have you any children living? A No sir.
Q This application, then, is for yourself only? A Yes sir.
Q Is your name on any of the Choctaw Tribal rolls in Indian Territory? A I don't know.
Q Has any application of any description ever been made in your behalf before today for the purpose of establishing your rights as a Choctaw Indian? A Yes, three years ago.

The records of the Commission show that on the 2nd day of February, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of this applicant as a Mississippi Choctaw his name appearing upon Mississippi Choctaw card Field No. 303, also upon page 75 of the schedule of Mississippi Choctaws annexed to the

Lewis Wallace--2

report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, being No. 1065 thereon.

Q Is this application made for you three years ago the only application of any kind that has ever been made for you for the purpose of establishing your rights as a Choctaw Indian? A Yes.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q You heard it fully explained in the examination of Jewett Bell, a full blood, this morning, did you not? A Yes.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A If they did I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.

Q Did any of them live here at that time? A I don't know.

Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A If they did I don't know it.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did you ever hear of any of your people ever having gotten any land or money from the Government? A No, never heard.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens and take land and, on this account, the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and

Lewis Wallace--3

Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No, I never did hear it.

An act of Congress approved the 23d day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to ~~xxxx~~ select, in place of the land so sold by the Government, land some place else here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government under this act of Congress? A I never did hear of it.

Q Do you know any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No, I don't know of any one.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No.

Q Have you any written evidence to offer at this time? A No.

Q Have you any witnesses here today to testify in your behalf? A No.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here in Mississippi, at any of our appointments including the one at Meridian between April 14th and 30th next, or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you desire to make at this time? A No.

Q Have you any brothers living? A One brother.

Q How old is he? A I don't know.

Lewis Wallace--4

Q About how old? A He's a minor.
Q Where does he live? A He lives on Mimra's place, in Neshoba County.
Q What's his name? A Comby Wallace.
Q Have you any brothers or sisters dead who left children? A One of my brothers left children.
Q What was that brother's name? A Bill Wallace.
Q How many children are living now? A One.
Q What's the name of that child? A Jane Wallace.
Q How old is she? A Three years old last Christmas.
Q With whom does she live? A Lives with one of my sisters.
Q What's your sister's name? A Rachel Wallace, wife of Mose.
Q Where does Mose live? A Lives on the John Marshall place.
Q Is the child's mother living? A Yes.
Q Where does she live? A She's living with Tom Kate, near here.
Q Are any of your father's brothers or sisters living? A No.
Q Are any of your mother's brothers or sisters living? A No.
Q Are any of the children of your father's brothers or sisters living? A No.
Q Are any of the children of any of your mother's brothers or sisters living? A No.

This applicant has the appearance of being a full blood Indian--speaks and understands the Choctaw language and some English, the examination having been conducted partially in English and partially through a sworn Choctaw interpreter.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Seale, Mississippi, March 22nd, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 1st day of April, 1902, at Seale, Mississippi.

L. B. Mosley
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Comby

-----o-----

In the matter of the application for the identification of Comby Wallace as a Mississippi Choctaw, M.C.R. 5031.

D E C I S I O N

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission on March 22, 1902 by Lewis Wallace for his minor brother Comby Wallace under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that the applicant is a full blood Mississippi Choctaw Indian.

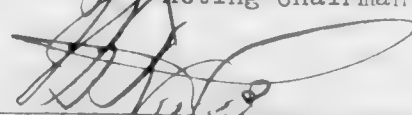
Section forty-one of the act of Congress entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902 (32 Stats., 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

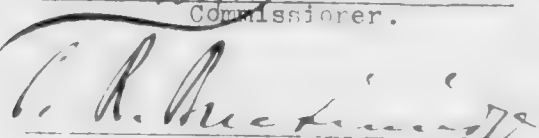
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Comby Wallace should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

M C R 6031

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Comby Wallace as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Comby Wallace as a Mississippi Choctaw, and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed, the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully, .

Tame Giffy

Register.
GR-encl.-21-10.

Acting Chairman.

COPY.

M.C.R. 5031.

Muskogee, Indian Territory, March 11, 1903.

Comby Wallace,

Aden, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying you as a Mississippi Choctaw Indian, under the provisions of section 41 of the act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED).

Tame Bixby.
Chairman.

Registered.

Enc.: 5031.

This application though meagre. if
considered with Lewis Wallace, 5030,
presents facts sufficient for ident-
ification. The brother of a 17 year
old boy may make application
to preserve the latter's rights.

Cab

1906

No.

5031

For Identification as a Mississippi Choctaw.

Seale, Miss.

MAR 22 1902

Date

Name

Comby Wallace

Age

17

Blood

full

Post Office,

Aden,

Miss

Father:

Wallace

d

Mother:

Sealy

"

d

Claims through

For self only

Children:

Stenographer

J. S. Niles

Comby Wallace.

R. 5131

COPY OF DECISION FORWARDED
APPLICANT

MAR 11 1903

Choctaw MCR 5032

Watson Marriis

See MCR 227, 2582

MCR 5032

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Seale, Mississippi, March 22nd, 1902.

In the matter of the application of Watson Marris for the identification of himself and three minor children, Nellie, Seward and Boston, as Mississippi Choctaws.

Said Watson Marris, being first duly sworn, testified as follows:-

(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Watson Marris.
Q How old are you? A Fifty-three.
Q How much Choctaw blood have you? A Half.
Q What's your postoffice address? A Rest, Neshoba County, Mississippi.
Q Do you live in Neshoba? A Yes.
Q How long have you lived in Neshoba County? A All my life.
Q Is your father living? A No sir.
Q What was his name? A Jim Marris.
Q Did he have any Choctaw blood? A No sir, he was a white man.
Q Is your mother living? A No sir, she died about twelve years ago.
Q What was her name? A Ballie.
Q Was she a full blood Choctaw? A Yes sir.
Q Did she have a Choctaw name? A Yes, she had a Choctaw name too.
Q What was the Choctaw name? A Fil-e-tah-ho-nah.
Q Did she live in this State all her life? A Yes, in Neshoba all her life.
Q How old would she be if she were living now? A About seventy-five years old.
Q Do you know the name of her father or her mother? A I ~~can't~~ know her father but I don't know her mother.
Q What was her father's name? A Ah-to-ble-cha.
Q How long has he been dead? A He been dead about thirty-seven years ago-just directly after the surrender.
Q He was a full blood Choctaw? A Yes.
Q Did he always live here in Mississippi? A Yes, his grave is about two or three miles from here.
Q Are you married? A Yes.
Q Is your wife living? A Yes.
Q Has she any Choctaw blood? A No, she's white.
Q Have you been married more than once? A Twice.
Q What was your first wife's name? A Rosanna.
Q Was she a full blood Choctaw? A Yes, her father was a half breed - he was half white.
Q And her mother was a full blood? A Yes.
Q Your first wife was three quarters, then? A Yes.
Q Did you have any children by her? A Yes.
Q How many? A Six living now.
Q Have you any children by your present wife? A Yes, two children.
Q What are the names of your children who are under 21 years of age and unmarried? A Nellie.
Q How old is she? A About seventeen.
Q What's the next one? A Seward.

- Q About how old is he? A Little over three years old now--three years last October.
- Q Next one? A Boston.
- Q How old is he? A About thirteen months.
- Q Are all three of these children living with you at this time? A Yes.
- Q What's the name of Nellie's mother? A Rosanna.
- Q How long has she been dead? A About eight years.
- Q Was she older or younger than you? A Older than I am--about five years older.
- Q Did she have a Choctaw name? A No.
- Q Do you know the name of her father and mother? A Yes sir.
- Q What was her father's name? A Robert Bell.
- Q He was one-half white and one-half Choctaw? A Yes.
- Q How long has he been dead? A About twenty years ago.
- Q Did he have a Choctaw name? A No.
- Q What was the name of Rosanna's mother? A Susie.
- Q Was she a full blood Choctaw? A Yes.
- Q Did she have a Choctaw name? A No sir.
- Q Did she and Robert live here in Mississippi all their lives? A Yes sir.
- Q Do you know the name of any one of your first wife's grandparents? A No sir, I don't know.
- Q What's the name of the mother of Seward and Boston? A Sallie.
- Q She's a full blood white woman? A Yes.
- Q Were you married to Sallie under a license? A Yes sir.
- Q Where did you get your license? A In Philadelphia.
- Q Who married you? A John Lampkin.
- Q A justice of the peace? A Yes sir.
- Q Where were you married? A We married at my house.
- Q When were you married to her? A Five years last January--the 17th of January.
- Q You have lived together since then as husband and wife, have you? A Yes.
- Q Were you married to your first wife under a license or according to the Choctaw custom? A Choctaw custom.
- Q How long did you live with her? A We lived together about thirty years before she died.
- Q This application, then, is for yourself and three minor children, is that right? A Yes.
- Q You have no other children living with you at home there? A No.
- Q Is your name or the name of any one of your children on any of the Choctaw Tribal rolls in Indian Territory? A No sir.
- Q Has any application of any description ever been made before today for you or any one of these children for the purpose of establishing your rights as Choctaw Indians? A Yes sir, three years ago at Philadelphia.

The records of the Commission show that on the 31st day of January, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of this applicant and his minor children, Nelly and Seward, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card Field No. 227, also upon page 64 of the schedule of Mississippi Choctaws annexed to the report of the

Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10, 1899, being numbers 780, 781, & 782 respectively thereon.

Q Is this application made for you and your children three years ago at Philadelphia, Mississippi, the only application of any description that has ever been made for any of you? A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and three minor children under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand that 14th article? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and along the western edge of the State of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw Tribe of Indians and is commonly known as the Choctaw Nation Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country and for the benefit of those who wanted to stay here what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who wanted to stay here in Mississippi and not move out to the new country, might receive land here in Mississippi from the Government of the United States. It is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that 14th article thoroughly now? A Yes.
- Q Did any of your ancestors or any of the ancestors of your first wife ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A I don't know--My grandpa lived here until he died but he never did tell me anything about the lands or anything else. My mother's sister went to the Territory and brought some money here but I don't know how much she got.
- Q What was your mother's sister's name? A Ok-le-me-nah.
- Q Do you remember the names of any other of your mother's sisters? A No sir, only her.
- Q She had some other sisters, did she, your mother? A I don't know.
- Q When was it that she went out to the Territory? A About fifty years ago I think, when I was a little boy.
- Q Your mother never went out there? A No sir.
- Q Do you know the name of your mother's mother? A No sir, I can't think of it.
- Q Would you know it if you were to hear it called? A Yes sir, I think so.
- Q Was it Ah-to-ble-cha? A That was my grandfather.
- Q Your mother's father? A Yes sir.
- Q Did you ever hear of your mother's father, or your mother's sister or your mother getting any land here in Mississippi from the Government? A No.
- Q You never heard of their getting any land from the Government, you are sure? A No.

Under this 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as wanted to stay here and take land and not move out to the new nation. The records of the Government show that this Agent failed to register and report to the Government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government, at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under article 14 of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. These Commissioners were appointed and they came down here to Mississippi between the years 1837 and 1845--that was just a few years before you were born--and heard a great many of these Choctaw cases. They held sessions here in Neshoba and other counties and the Indians came from all around.

Q Do you know whether your father or your mother or her father or any of your mother's sisters appeared before any of these Commissioners and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Yes, I reckon they did--my mother gave in my name--I was a little boy then but I heard them say they went before the Commission and gave in their names. My mother told me that she put in my name too at that time. I was a little baby then.

Q Don't you think you are more than 83 years old? A I don't know exactly how old I am--but that's what white people tell me.

Q What did your mother ever tell you about going before these Commissioners--tell us about that? A I don't know--she never did tell me where they went to and I just supposed maybe to Philadelphia.

Q Did she ever tell you what she went there for? A White people held session here and in getting up the Choctaw names they had a big gathering.

Q Did you ever hear her father say anything about going before the Commission long time ago? A No sir, I never heard.

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On page 566 of the record of the court of claims in case No. 12742, entitled "The Choctaw Nation of Indians vs The United States", in abstract No. 5 reported by Commissioners Tyler, Gaines and Rush, appointed under the act of Congress approved August 23, 1842, appears the case of Ah-to-ble-cha, being Commissioners' number 265, it appearing that on the 27th day of September, 1830, the day the treaty was made, he had living in his family four children over ten years of age, namely-Cun-e-ah-he-mah, Ok-le-mo-nah, No-sa-kah, and Fil-e-tah-ho-nah, that at the time the treaty was made he lived on the S.W. 1/4 of Sec. 26, T'p. 12, R. 13 East; that proof was made to said Commissioners of his signification of intention to remain and become a citizen of the States under the 14th article of the treaty and that he lived on the land covering his improvement for five years from the day the treaty was ratified--said claim was allowed by the Commissioners and scrip awarded to the claimants. The decision of the Commission in connection with this case was approved by the Secretary of War on the 23rd day of July, 1845.

Q Do you remember ever having heard of your mother having a sister by the name of Cun-ne-ah-he-mah? A Yes, I heard of such a sister but she died before I can recollect.

Q Was she older than your mother? A No, she was younger than my mother.

Q Are you sure of that? A Yes, that what my mammy say.

Q Did you ever hear of your mother having a sister by the name of No-sa-kah? A No sir.

Q You never heard your grandfather say anything about appearing before these Commissioners that I have just described here? A No sir, he never told me anything about it.

Q You never heard of his getting any scrip from the Government? A No sir, but my mammy tell me something about it and say that the Commission came here and took all the Choctaw names.

Watson Harris et al--6

- Q You have told about it before in your testimony? A Yes sir.
Q Do you know of any old person living who would likely know anything more about the names of your mother's sisters than you do?
A No sir, I don't know of anyone.
Q Have you any witnesses here today? A No.
Q Have you any written evidence to offer at this time? A No.
Q Did you ever see or hear of any deed or patent or papers of any kind issued to any of your ancestors by the Government of the United States? A No sir.
Q Never did? A No.
Q Are there any further statements you want to make? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any one of our appointments here in Mississippi this Spring, including the one at Meridian between April 14th and April 30th next or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

- Q How many children have you living who are of age or married?
A I got five.
Q What's the name of the old-est one? A Sealy Kelly, wife of Albert Kelly.
Q Albert is here today for the purpose of making an application, is he? A Yes.
Q Next one? A Betsy.
Q What's her husband's name? A John Sockey.
Q What's the next one? A Mosely Harris.
Q Is he married? A Yes.
Q What's his wife's name? A Ida.
Q Mosely has been before the Commission this year, hasn't he? A Yes sir.
Q What's the name of the next one after Mosely? A William.
Q Is he married? A Yes.
Q What's his wife's name? A Something like Ape.
Q Where do they live? A Close to where I live.
Q Is his wife a Choctaw? A No sir.
Q What's the name of the next one? A George.
Q Where does he live? A He lives in Winston County, close to Noxapater.
Q Is he married? A Yes.
Q What's his wife's name? A Fergy.
Q Is she a Choctaw? A Yes sir.
Q Full blood? A Yes.
Q Has he ever made any application of any kind to the Commission?
A No sir.
Q Have they any children? A No sir.
Q About how old is George? A About twenty-three years old, I believe.
Q About how old is Fergy? A About thirty.
Q Is she a full blood Choctaw? A Yes.
Q They are living together now? A Yes sir.

Watson Marris et al--7

- Q Does he know the Commission is here now? A No, I don't think he know it.
- Q Is that all your children? A Yes, that's all.
- Q Have you any children dead who left children? A Yes.
- Q How many children have you dead? A Four boys dead.
- Q Did any of them leave children? A No sir, die d when they were little.
- Q You have no girls dead? A No.
- Q Have you any brothers living? A Yes.
- Q How many? A Just one.
- Q What's his name? A Dibbin Marris.
- Q Is he your full brother? A Yes sir.
- Q His mother and your mother are the same? A Yes, and the same daddies.
- Q Have you any sisters living? A No sir.
- Q Did you ever have any sisters? A My mammy told me that I had two sisters but they died before I knew anything about it.
- Q They died when they were small? A Yes sir.
- Q Did you ever have any other brothers besides Dibbin? A No sir, only us two.
- Q Did your mother ever have any brothers that you know of? A I heard that--I never seen them--they went to the Territory long ago.
- Q You don't know the names of any of them? A No sir, I don't know the names. My mammy told me that two of tem went to the Territory.
- Q They moved there when the Indians went there many years ago? A Yes sir.
- Q Are any of your mother's sisters' children living? A No sir, they all dead, but their grandchildren are living.
- Q What are their names? A Simmie--she lives about a mile or two from here.
- Q What's her other name? A Simmie Ellis, wife of Allen Ellis, a full blood who lives here in Neshoba.
- Q What was her mother's name? A Her Choctaw name was Ok-le-mo-nah.
- Q Has Simmie any brothers or sisters living? A One brother living.
- Q What's his name? A Allison Thompson.
- Q Has he been before the Commission? A Yes sir, he appeared before the Commission in Meridian.
- Q Did you ever hear him called Anderson Thompson? A No, that's the same fellow though. Some say Anderson and some say Allison. Allison is his right name.
- Q Has he a son by the name of Simson Thompson? A Yes.
- Q Has Simmie any other brothers or sisters living? A No sir.
- Q Has she any brothers or sisters dead who left children? A No sir, not that I know of.
- Q Did your mother's sister Cun-e-ah-he-mah leave any children? A No sir.

This applicant has the appearance of being possessed of as much Indian blood as is claimed by him. He speaks and understands the Choctaw language, also speaks and understands English fairly well, the examination having been conducted partially in English and partially through a sworn Choctaw Interpreter. The habits and customs of

Watson Harris et al--8

the applicant are those of a full blood Indian and he associates almost entirely with the Indians.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Seale, Mississippi, March 22nd, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 1st day of April, 1902, at Seale, Mississippi.

L. B. Moseley
Clerk U. S. Circuit Court, Southern District of Mississippi.

By *[Signature]*

Deputy.

Miss. Choctaw 5032

Muskogee, Indian Territory, May 6, 1902.

Watson Harris,

Rest, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your postal card of April 30, in which you state that your post office address is Rest, Mississippi, and you ask to have any letters which may be written to you addressed to that place.

You are advised that this information has been made a matter of record, and you will be advised at that place, of any action which may be taken by the Commission with reference to your application for identification as a Mississippi Choctaw.

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 5532

Muskogee, Indian Territory, September 27, 1904.

Watson Marris,

Rest, Mississippi,

Dear Sir:

Inclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying you and your children, Nellie Marris, Seward Marris, and Boston Marris, as Mississippi Choctaws.

Under the provisions of the act of Congress approved July 1, 1902 (32 Stat., 641), in order for you to avail yourselves of the benefits thereof you must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before March 27, 1905. The Act above referred to also provides that proof of such settlement shall be made to this Commission within one year after the date of the identification of the persons herein named, as Mississippi Choctaws.

By the Act of Congress approved April 21, 1904 (Public No. 126), it is provided that the Commission shall close its work and terminate on or before the first day of July, 1905. It is, therefore, suggested that you appear before the Commission, at the Choctaw Land Office, at Atoka, Indian Territory or the Chickasaw Land Office, at Tishomingo, Indian Territory, for the purpose of

W. M. 2

making proof of your removal to and settlement within the Choctaw-Chickasaw country, at the earliest practicable date.

Respectfully,

(SIGNED) *James Bixby.*

Chairman.

Registered.

Incl. M.C.R. 5032.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

20

IN RE
Identification
Application for Enrollment of

INFANT CHILD

Boston Morris.

IN RE *Enrollment*

MISSISSIPPI CHOCTAW.

Question

Approved,

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

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Commissioner.

See Miss Choctaw Card Filed No 227.

The within application has been accepted as evidence of the birth of the within named child and will be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its ENROLLMENT as a citizen of the Choctaw Nation.

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 9 1902

[Signature]
ACTING CHAIRMAN

MISSISSIPPI CHOCTAW.

#227

503✓

#1907

No. 5032

For Identification as a Mississippi Choctaw.

Seale, Miss.

May 22 1902

Date

Name Watson Harris

Age 53 Blood $\frac{1}{2}$

Post Office, Rest, Miss.

Father: Jim Harris (white) d

Mother: Sallie " d

~~Phil - ti - tak - nah~~
Phil - e - tak - ho - nah

Claims through

For 22 years to husband

Children:

Kellie Harris - F 17
mother Rosanna (3/4) d

Seward Harris 3

Boston " 13mo
mother - Sallie " white. =

Also Cecil

Phil - ti - tak - nah

Mother - father ~~Phil - ti - tak - nah~~ d.

Stenographer

J. A. N. L.

Choctaw MCR 5033

Albert Kelley

See MCR 335, 2582

MCR 5033

M6R-32

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Seale, Mississippi, March 22nd, 1902.

In the matter of the application of Albert Kelley for the identification of himself, his wife, Sealy, and three minor children, Presley, Lloyd and Eula, as Mississippi Choctaws.

Said Albert Kelley, being first duly sworn, testified as follows:
(Oscar Billey, official interpreter)

Examination by the Commission.

- Q What's your name? A Albert Kelley.
Q How old are you? A Thirty seven.
Q How much Choctaw blood have you? A Well, a white man was my father and a full blood was my mother.
Q That would make you one-half Choctaw? A Yes.
Q What's your postoffice address? A Plattsburg, Mississippi.
Q In which County do you live, Winston or Neshoba? A Winston County.
Q How long have you lived in Winston County? A Born and raised there.
Q Lived there all your life? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Brown Kelley--he died before I recollect him.
Q He was a white man and had no Choctaw blood? A Yes sir.
Q Is your mother living? A No sir.
Q What was her name? A Jane.
Q Did she have a Choctaw name? A Not as I know of.
Q She was a full blood Choctaw, was she? A Yes sir.
Q Did she live in the State of Mississippi All her life? A Yes sir.
Q Do you know the name of her father? A No sir.
Q Do you know the name of her mother? A Il-lah-he-nah was her Choctaw name.
Q What was her English name? A Ailsey.
Q Do you know the name of any one of her sisters? A No sir.
Q Do you know the name of her mother? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What's her name? A Sealy.
Q Has she any choctaw blood? A Yes sir.
Q How much? A Her father is a half blood and her mother was a full blood.
Q Then she's a three quarter blood? A Yes sir.
Q Do you want to give in her name too? A Yes sir.
Q How old is she? A About thirty-five.
Q Has she lived here in Mississippi all her life? A Yes sir.
Q Is Sealy's father living? A Yes sir.
Q What's his name? A Watson Harris.
Q Is he the Watson Harris who appeared before the Commission here this morning? A Yes sir.
Q Is Sealy's mother living? A No sir.
Q What was her name? A Rosanna.
Q Was she a full blood Choctaw? A Yes sir.

Q Were you married to Sealy under a license or according to Choctaw custom? A Choctaw custom.
Q How long have you lived with her? A I been living with her thirteen years.
Q Were you ever married before you married her? A No sir.
Q Was she ever married before you married her? A No sir.
Q How many children have you living? A Three.
Q What are their names and ages, the oldest first? A Presley.
Q How old? A Twelve years old.
Q Next one? A Lloyd.
Q How old is he? A Ten years old.
Q Next one? A Eula.
Q How old is she? A Eight years old.
Q Is that all your children? A Yes sir.
Q Are these children all living with you now? A Yes sir.
Q They are the children of yourself and Sealy Kelley? A Yes sir.
Q This application, then, is for yourself, wife and three minor children, is that right? A Yes sir.
Q You have no other children living with you? A No sir.
Q Is your name, your wife's name or the name of any one of these children on any of the Choctaw Tribal rolls in Indian Territory? A No sir.
Q Has any application of any description ever been made before today for you or your wife or any of these children for the purpose of establishing your rights as Choctaw Indians? A Yes sir, three years ago at Philadelphia.

The records of the Commission show that on the 4th day of February, 1899, application was made to the Commission at Philadelphia, Mississippi, for the identification of this applicant, his wife Sealy, and three children, Presley, Lloyd and Eula, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card Field No. 335, also upon page 80 of the schedule of Mississippi Choctaws annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior of March 10th, 1899, being numbers 1185, 1186, 1187, 1188 and 1189 respectively thereon.

Q Is this application made at Philadelphia three years ago the only application which has ever been made for you or your wife or any of these children? A Yes sir, that's all.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, wife and three minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes.
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
Q You have heard it explained fully to your father-in-law, Watson Marras during his examination here this morning, have you not? A Yes sir.
Q Did any of your ancestors or any of your wife's ancestors ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever receive any benefits thereunder? A No, I don't know, but I heard what my grandmother used to talk about it.

Q What did she say about it? A She said them that went there got some money.

Q Did she go out there? A No sir.

Q Did she get any land here in Mississippi from the Government?

A I don't know.

Q Did any of your old folks get any land or money from the Government? A Not as I know of.

Q Any of your wife's? A Not as I know of.

Q Did any of your ancestors or any of your wife's ancestors in fact live here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not as I know of.

Q Did any of them own an improvement here at that time? A I don't know whether they did or not.

Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838-any of your people or any of your wife's people? A No sir--I don't know about that.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the Government here in Mississippi, for the Choctaws, know that they wanted to stay here and become citizens of the States and take land? A I don't know.

Q Did any of them ever claim or receive any land here in Mississippi from the Government of the United States under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here and become citizens of the States and take land. The records of the Government show that this Agent failed to register and report to the government the names of many Indians who did in fact let him know that they wanted to stay here and become citizens of the States and take land and on this account the Government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts ~~in 1837 and 1842~~ between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi, and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they came down here to Mississippi between the years 1837 and 1845 and heard a great many of these Choctaw cases.

Q Did any of your ancestors, or any of your wife's ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek?

Albert Kelley et al--4

A Not as I know of.

An act of Congress approved the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the Treaty of Dancing Rabbit Creek but that his land had been sold by the Government, he should be entitled to select, in place of the land so sold by the Government, land some place here in Mississippi or in Alabama, Louisiana or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors or any of your wife's ancestors ever get any of this scrip from the Government of the United States under this act of Congress? A Not as I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors or any of your wife's ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No sir.

Q You never saw any deeds, patents or papers of any kind issued by the Government of the United States to any of your ancestors or any of your wife's ancestors covering land here in Mississippi, did you? A No sir.

Q Have you any witnesses here today? A No sir.

Q Have you any written evidence of any kind to offer? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at any of our appointments here in Mississippi this Spring, including the one at Meridian between April 14th and 30th next, or within a reasonable time at the general office of the Commission in Muskogee, Indian Territory, and their testimony will be taken.

Q Are there any further statements you would like to make at this time? A No sir.

Q Have you any brothers living? A No sir.

Q Any sisters living? A No sir.

Q Have you any brothers or sisters dead? A Yes sir.

Q Did any of them leave children? A Yes sir, my half sister left one child, a boy..

Q Is he living? A Yes sir.

Q With whom does he live? A He lives with Jack Beaks.

Q What's that boy's name? A Sam Harris.

Q What was his mother's name? A Bennie, she's dead.

Q Was she a full blood Choctaw? A Yes sir.

Q Your mother was her mother? A Yes sir.

Q And her father was a full blood Choctaw? A Yes sir-my mother married after I was born.

- Q What was her father's name-this half sister's father? A Wash Bell.
- Q He is living now, is he not? A Yes sir.
- Q What's the name of the father of Sam Marris? A Cheatan Marris, he's dead.
- Q He was a three-quarter blood Choctaw? A Yes sir.
- Q And the son of Dibbin Marris? A Yes sir.
- Q Are any of your mother's brothers or sisters living? A No sir.
- Q Are any of the children of any of your mother's brothers or sisters living? A Yes sir, my mother's sister's children are living.
- Q What are their names? A John Sockey, and Fergy Marris, the wife of George Marris.
- Q What was their mother's name? A Jinsey.
- Q What was her Choctaw name? A I don't know.
- Q They are the only children of any of your mother's brothers or sisters who are living, are they? A Yes sir, that's all.
- Q Has your wife any brothers living? A Yes sir.
- Q What are their names? A Moseley, William and George.
- Q Has she any sisters living? A Yes sir.
- Q How many? A Two.
- Q What are their names? A Bettie Sockey and Nellie Marris, she isn't married.

This applicant has the appearance of being possessed of as much Indian blood as is claimed by him. He speaks and understands the Choctaw language and also speaks and understands English fairly well, the examination having been conducted in English. His habits and customs are those of an Indian and he associates almost entirely with the Choctaws. Special reference is hereby made to the testimony of Watson Marris given before the Commission this date in support of his application for the identification of himself and minor children as Mississippi Choctaws.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause heard at Seale, Mississippi, March 22nd, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 2nd day of April, 1902, at Seale, Mississippi.

S. B. Moseley
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *[Signature]*

Deputy.

M C R 5033
M C R 5163

Muskogee, Indian Territory, March 11, 1903.

Robert E. Lee,

Deflore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 4th in which you state that two Mississippi Choctaws by the names of Albert Kelley and Jack Beas have removed from Mississippi to Indian Territory with the intention of making this their home; that they are full blood Choctaws and wish to know if they will be allowed to take land here.

In reply to your letter you are advised that it appears from our records that Albert Kelley, a half blood Choctaw Indian, is an applicant to this Commission for the identification of himself, his wife who is a three quarter blood Choctaw Indian, and their three minor children, as Mississippi Choctaws. No decision or opinion has yet been rendered relative to their rights to identification as Mississippi Choctaws. As soon as a decision is reached in their case they will be duly notified of the action of the Commission.

It further appears from our records that Jack Beas, a full blood Choctaw Indian, is an applicant to this Commission for identification as a Mississippi Choctaw, and the Commission has not yet passed upon his right to identification as a full blood Missis-

R E L 2

Mississippi Choctaw.

For your information there is enclosed you herewith a copy of the act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 23, 1902. Your attention is specially invited to section 41 thereof.

Respectfully,

Chairman.

M.O.R. 5033

Muskogee, Indian Territory, May 19, 1904.

Albert Kelley,

Fanshaw, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you ask why you are not permitted to file on land in the Choctaw-Chickasaw country, Indian Territory.

In reply to your letter you are informed that it appears from our records that on March 22, 1902, you made application to this Commission for the identification of yourself, your wife, Sealy, and three minor children, Presley, Lloyd and Lula Kelley, as Mississippi Choctaws, but up to the present time no opinion or decision has been rendered relative to your rights to such identification. When the case is passed upon by the Commission, you will be promptly advised of such action as may be taken.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, July 29, 1904.

C. M. Threadgill,
Attorney at Law,
Coalgate, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th instant, in which you ask to be advised the status of the application of the following persons for identification as Mississippi Choctaws: Albert Kelly, Sealy Kelly, Villy Kelly, Pressby Kelly and Said Kelly.

In reply to your letter you are informed that it appears from our records that on March 22, 1902, at Seale, Mississippi, Albert Kelley, thirty-seven years of age, post office address Plattsburg, Mississippi, made application to this Commission for the identification of himself, his wife, Sealy Kelley, and three minor children, Presley, Lloyd and Bula Kelley, as Mississippi Choctaws.

You are further advised that the Commission is now considering the application of the persons above mentioned and it is probable that a decision will be rendered in the near future, when they will be promptly notified of such action as may be taken.

Respectfully,

Commissioner in Charge.

M C R 8038

Muskogee, Indian Territory, August 6, 1904.

W. R. Nabors,

Fanshawe, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th ultimo, by reference from Honorable Green McCurtain, Principal Chief of the Choctaw Nation. Therein you ask what steps are necessary for Albert Kelley to take in order to secure rights as a Mississippi Choctaw.

In reply you are informed that it appears from our records that Albert Kelley made application to this Commission for the identification of himself, his wife, Sealy Kelley, and three minor children, Presley, Lloyd and Eula Kelley. The rights of these applicants have not yet been determined. When their case is passed upon by the Commission they will be promptly notified of such action as may be taken.

Respectfully,

Commissioner in Charge.

M O R 5033

Muskegee, Indian Territory, August 6, 1904.

Honorable Green McCurtain,
Principal Chief Choctaw Nation,
Kinta, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant, enclosing a communication to you from W. R. Nabors, of Fanshawe, Indian Territory, with reference to the Mississippi Choctaw application of Albert Kelley, et al. You ask that the Commission write Mr. Nabors in regard to this matter.

In reply you are advised that this office has to-day addressed a communication to W. R. Nabors, Fanshawe, Indian Territory, informing him of the status of the Mississippi Choctaw application of Albert Kelley, et al.

Respectfully,

Commissioner in Charge.

COPY.

M.C.R. 5033

Muskogee, Indian Territory, September 27, 1904.

Albert Kelley,

Panashw, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 27, 1904, rendered its decision, refusing your application for identification as a Mississippi Choctaw, included in the consolidated case of Dibbin Marris, et al.

You are further advised that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

(SIGNED)

James Bixby.
Chairman.

COPY.

M.C.R. 5033

Muskogee, Indian Territory, September 27, 1904.

Sealy Kelley,

Fanshaw, Indian Territory,

Dear Madam:

Inclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 27, 1904, identifying you and your children, Presley Kelley, Lloyd Kelley and Rula Kelley, as Mississippi Choctaws.

Under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641), in order for you to avail yourselves of the benefits thereof you must remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, on or before March 27, 1905. The Act above referred to also provides that proof of such settlement shall be made to this Commission within one year after the date of the identification of the persons herein named, as Mississippi Choctaws.

By the Act of Congress approved April 21, 1904, (Public No. 125), it is provided that the Commission shall close its work and terminate on or before the first day of July, 1905. It is, therefore, suggested that you appear before the Commission, at the Choctaw Land Office, at Atoka, Indian Territory, or the Chickasaw Land Office, at Tishomingo, Indian Territory, for the purpose of making

S. K. 2

proof of your removal to and settlement within the Choctaw-Chickasaw country, at the earliest practicable date.

Respectfully,

Jams Bixby.

(SIGNED)

Chairman.

Registered.

Incl. M.C.R. 8033.

M C R 8033

Muskogee, Indian Territory, September 30, 1904.

David Greenhaw,
Tanshawe, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letters dated August 13, and September 13, 1904, enclosing affidavits of Ned Sockey, Jefferson D. Welch and Cornelius H. Hickeman, offered in support of the Mississippi Choctaw application of Albert Kelley, et al.

In reply to your letter you are advised that said affidavits will be forwarded with the record in the matter of the application of Albert Kelly, to the Secretary of the Interior.

Respectfully,

JD

Chairman.

Muskogee, Indian Territory, October 17, 1904.

David Crenshaw,
Fanshawe, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 29, 1904, which has been referred by the Secretary of the Interior to this office for consideration and appropriate action. Therein you state that Albert Kelley has employed you to assist him in having his name and the names of his family placed on the Mississippi Choctaw roll, and that Albert Kelley is anxious to know the present status of his application.

In reply you are informed that on September 27, 1904, the Commission to the Five Civilized Tribes rendered a decision identifying Sealy Kelley, wife of Albert Kelley, and her three children, Presley Kelley, Lloyd Kelley and Bula Kelley, as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations. These names will be placed upon a schedule of duly identified Mississippi Choctaws and forwarded to the Secretary of the Interior for his approval. When such schedule has been approved and returned to this Commission, the Choctaw and Chickasaw Land Offices will be notified thereof and selection of allotment may then be made by Sealy Kelley for herself and children.

Relative to the application of Albert Kelley you are

D C 2

advised that as he is not a full blood Mississippi Choctaw Indian and has not proven that he is a descendant of a Mississippi Choctaw who complied with the provisions of the 14th article of the treaty of 1830, his application was refused by this Commission on September 27, 1904. The record in his case, together with the Commission's decision, will be forwarded to the Secretary of the Interior and when this office is notified of departmental action thereon Albert Kelley will be promptly advised of whatever action may be taken.

Respectfully,

Chairman.

Land.
74367-1904.

DEPARTMENT OF THE INTERIOR, (COPY).
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, December 9, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated October 18, 1904, transmitting the record of the consolidated applications for identification as Mississippi Choctaws by Dibbin Marris for himself and his six minor children, Wench, Steve, Nancy, Missy, Mat and Liss Marris; by Coleman Marris for himself and his four minor children, Nannie, Jane, Lillie and Tennis Marris; by Dibbin Marris for his son, Marris Marris; by Sanderson Marris for himself and his minor child, Lula Marris; by Dibbin Marris for Jack Beaks and his minor ward, Sam Marris; by Tom E. Marris for himself, his wife, Sealy Marris, and his two minor children, Christian and Winner Marris; by Bobo Marris for himself and his minor child, Otis Marris; by Asa Elmon Bull for himself and his wife, Susan Bull; by Jim Marris for himself,, his wife, Minerva Marris, and his two minor children, Arch and Annie Marris; by Watson Marris for himself and his three minor children, Nellie, Seward and Boston Marris; by Albert Kelley for himself, his wife, Sealy Kelley, and his three minor children, Prealey, Lloyd and Bula Kelley; by Mosely Morris for himself, his wife, Ida Morris, and his three minor children, Lillie, Dempsey and Missie Morris; by John Sockey for himself, his wife, Bettie Sockey, and his three minor children, Maggie Rafe and Ned Sockey; by William Morris for himself, his wife, Ib

Morris, and his four minor children, Nan, Foreman, Bowman and Brooksie Morris; and by Dibbin Marris for George Marris and his wife, Forgy Marris.

The Commission has heretofore duly identified as full-blood Mississippi Choctaws, Jack Beaks, Sealy Marris, Asa Elmon Bull, Minerva Marris, Ida Morris, John Sockey and Forgy Marris.

September 27, 1904, the Commission decided favorably to all the other applicants except Albert Kelley and Ib Morris and adversely to them.

The record shows that all of the applicants, except those heretofore identified and Albert Kelley and Ib Morris, claim rights in the Choctaw lands under article 14 of the treaty of Dancing Rabbit Creek by reason of being descendants of Ah-to-ble-cha, who is alleged to have been a full-blood Choctaw Indian and to have resided in Mississippi in 1830; that Albert Kelly claims said rights by reason of being a descendant of Ailsey (or Il-lah-he-nah), who is alleged to have been a Choctaw Indian, degree of blood not shown; that Ib Morris claims said rights by reason of being a descendant of Venus Anderson, who is alleged to have been an one-half blood Choctaw Indian, and that all the other applicants, except those heretofore identified, and Albert Kelley and Ib Morris also claim said rights by reason of being descendants either of Robert (or Bob) Bell or Venus Anderson, who are alleged to have been one-half blood Choctaw Indians, or Rosie Harris, or Tookolo, or Forbus Frazier, or Mary Frazier (Indian name Ma-han-to-nah), or John Bull, or John Frazier (Indian name Non-a-na-tubbee), or Susie Bell, or Charley Wilson, or Margaret Wilson, all

of whom are alleged to have been full-blood Choctaw Indians, or Naf-fie Marris, or Ailsey (Indian name Il-lah-he-nah), both of whom are alleged to have been Choctaw Indians, degree of blood not shown.

It further appears from the record, and from the records of this office, that none of the applicants has ever been recognized enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States tribunal nor are they parties litigant before the Choctaw-Chickasaw Citizenship Court.

It is further shown that Dibbin Marris and Walton Marris are the children of Jim Marris, a white man, and Sallie Marris a full-blood Choctaw Indian woman whose Indian name is given as Fil-e-tah-honah, and that she was the daughter of Ah-to-ble-cha, a full-blood Choctaw Indian who resided in Nashoba County, Mississippi, until his death, which occurred shortly after the civil war, and was buried near Scale, Mississippi; that Ah-to-ble-cha was the head of a Choctaw family in 1830, and signified his intention to remain for the five years stay and take land under article 14 of said treaty; that he had at the date of the treaty, four children whose names are given as Sallie Marris (Fil-e-tah-ho-nah), the mother of two of the applicants, and Ok-le-mo-nah, Cum-ne-ah-he-mah and Ah-no-sa-chee, the three former being girls and the latter a boy.

It further appears that all of the applicants except the persons heretofore identified, and Albert Kelley and Ib Morris are lineal descendants of the said Ah-to-ble-cha, through whom they claim. The evidence as above set forth is corroborated by the records of this office.

It does not appear from the record, or from the records of this

office, relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830, and to persons who were heretofore claimants thereunder, that Ailsey (or Il-lah-he-nah), through whom Albert Kelley claims, or Venus Anderson, or an ancestor less remote, signified in person or by proxy to any person an intention to comply with the provisions of said article 14, or presented a claim to rights under the same or subsequent legislation.

In view of the record, the approval of the Commission's decision favorable to all of the applicants except Albert Kelley and Ib Morris, and unfavorably to them, is recommended.

Very respectfully,

(Signed) A. C. Tenner,

Acting Commissioner.

M.H.M.
V.

(COPY).

DEPARTMENT OF THE INTERIOR,

WASHINGTON, January 21, 1905.

DC. 4076-1905.
ITD. 7377-1904.
12446- "
894-1903.
L.R.S.

GR. LLB.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

October 18, 1904, you transmitted the record of the consolidated applications of Dibbin Marris et al., M.C.R. 2562 et al., for identification as Mississippi Choctaws, including your decision of September 27, 1904, granting the applications for identification of the following-named mixed-blood Choctaws: Dibbin Marris, Wench Marris, Steve Marris, Nancy Marris, Missy Marris, Mat Marris, Liss Marris, Coleman Marris, Nannie Marris, Jane Marris, Lillie Marris, Tennis Marris, Marris Marris, Sanderson Marris, Lula Marris, Sam Marris, Tom H. Marris, Christian Marris, Winner Marris, Bobo Marris, Otis Marris, Susan Bull, Jim Marris, Arch Marris, Annie Marris, Watson Marris, Nellie Marris, Howard Marris, Boston Marris, Sealy Kelley, Presley Kelley, Lloyd Kelley, Lula Kelley, Mosely Morris, Lillie Morris, Dempsey Morris, Missie Morris, Bettie Sockey, Maggie Sockey, Rafe Sockey, Ned Sockey, William Morris, Nan Morris, Foreman Morris, Bowman Morris, Brooksie Morris and George Marris as Mississippi Choctaw Indians entitled to rights in the Choctaw lands under the provisions of Article 14 of the Treaty of 1830, and denying the applications of Albert Kelley and Ib Morris to be identified as such.

It appears from the records of the Commission that Jack

Beaks, principal applicant in M.C.R. 5163, Sealy Harris, wife of principal applicant in M.C.R. 2724, Asa Elmon Bull, principal applicant in M.C.R. 5113, Minerva Harris, wife of principal applicant in M.C.R. 2027, Ida Morris, wife of principal applicant in M.C.R. 2003, John Sockey, principal applicant in M.C.R. 5162 and Forgy Harris, wife of principal applicant in M.C.R. 5164, who are full-blood Mississippi Choctaw Indians, have been by the Commission duly identified as Mississippi Choctaws under the provisions of section forty-one of the act of Congress approved July 1, 1902 (32 Stat., 641), and the Department notes that the names of Jack Beaks, Forgy Harris, John Sockey and Asa Elmon Bull are to be found on the partial rolls of the Mississippi Choctaws approved by the Acting Secretary of the Interior January 13, 1905, opposite Nos., respectively, 1159, 1160, 1225, and 1228 thereon.

December 9, 1904, the Acting Commissioner of Indian Affairs reporting in the matter recommended that your decision of September 27, 1904, be affirmed. Copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN,

Acting Secretary.

1 inclosure.

M.C.R. 5033

COPY,

Muskogee, Indian Territory, February 1, 1905.

Albert Kelley,

Fanshaw, Indian Territory,

Dear Sir:

You are hereby notified that on the 21st day of January 1905, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, included in the consolidated case of Dibbin Marris, et al., of which decision you were advised by registered mail on the 27th day of September, 1904.

Respectfully,

SIGNED

Chairman.

M C R 5033

Muskogee, Indian Territory, May 27, 1905.

Sealy Kelly,

Cravens, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of May 11, 1905, transmitting the application for the enrollment of Annie Kelly, infant child of Albert and Sealy Kelly, as a citizen of the Choctaw Nation.

You are advised that the time within which the Commission was authorized by the Act of Congress approved March 3, 1905, to receive such applications, expired May 2, 1905.

Respectfully,

Chairman.

M C R 5033

Muskogee, Indian Territory, June 12, 1905.

Sealy Kelley,

Gravens, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 5th instant, relative to the application made for the enrollment of your child, Annie Kelley, as a citizen of the Choctaw Nation, not reaching the office of the Commission within the required time.

You are advised that in addition to said application being received at this office after May 2, 1905, our records also show that neither your name or the name of your husband appears upon the roll of duly identified Mississippi Choctaws approved by the Secretary of the Interior January 13, 1905. Your identification as a Mississippi Choctaw has been approved, but your name does not appear upon the final roll.

The Act of Congress approved March 3, 1905, only authorized the Commission to receive applications for the enrollment of infant children born to recognized and enrolled citizens whose enrollment had been approved by the Secretary of the Interior prior to March 4, 1905.

Respectfully,

Chairman.

MOR 5033

Muskogee, Indian Territory, November 10, 1905.

Brewer, Andrews & McGinnis,

Attorneys at Law,

Wilburton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 31, 1905, asking if Albert Kelley is entitled to enrollment as an intermarried citizen. You state that his wife, Sealy Kelley, has been identified as a full blood Mississippi Choctaw.

In reply you are informed that this office knows of no law guaranteeing the right of citizenship to any person by virtue of their marriage to a Mississippi Choctaw.

Respectfully,

Commissioner.

Muskogee, Indian Territory, September 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of May 17, 1906 (I T D 4405, 8172-1906), returned to this office the application of Sealy Kelly, an identified Mississippi Choctaw, made May 15, 1905, for the enrollment of her infant child, Annie Kelly, born December 3, 1902, as a citizen of the Choctaw Nation, under the provisions of the Act of Congress approved March 3, 1905 (33 Stats., 1060).

The Department on May 25, 1906 (I T D 5066, 17858-1905, 9022-1906), in reference to the application for the enrollment of Willis Willis as a citizen of the Choctaw Nation, authorized and directed the enrollment as Mississippi Choctaw citizens of the Choctaw Nation of the children of duly identified and enrolled Mississippi Choctaws for whom application was made under the provisions of the Act of Congress approved April 26, 1906 (Public No. 129).

Since the receipt of Departmental letter of May 17, 1906 (I T D 4405, 8172-1906), an application has been made by Sealy Kelly for the enrollment of her child, Annie Kelly, born December 3, 1902, under the provisions of the Act of Congress approved April

(2)

26, 1906 (Public No. 129).

The evidence in the case shows that the child, Annie Kelly, was living March 4, 1906, and is, therefore, under the Department's ruling of May 25, 1906, in the Willis Willis case, entitled to enrollment as a Mississippi Choctaw citizen of the Choctaw Nation, and her name has accordingly been included upon a schedule of minor Mississippi Choctaws enrolled under the Act of Congress approved April 26, 1906 (Public No. 129), which is now receiving the consideration of the Commissioner and will be transmitted for Departmental approval at an early date.

It is therefore apparent that no further action under Departmental letter of May 17, 1906 (I T D 4405, 8172-1906), is necessary.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

MCR 5033

COPY

Muskogee, Indian Territory, December 29, 1906.

J. E. Whitehead,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir :--

Receipt is hereby acknowledged of your letter of the 24th instant, in which you request to be advised why Albert Kelley was refused identification as a Mississippi Choctaw and as an intermarried.

Albert Kelley was refused identification as a Mississippi Choctaw for the reason that the evidence in his case did not show that he was a full blood Choctaw Indian or that he was the descendant of an ancestor who complied with the provisions of the 14th article of the treaty of 1830.

You are further informed that there is no provision of law guaranteeing rights of citizenship to any person by reason of their marriage to a Mississippi Choctaw.

Respectfully,

SIGNED

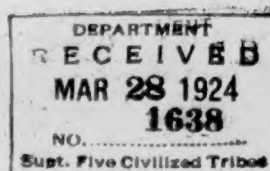
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Commissioner.

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MAR 22 1924

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report of the Superintendent for the Five Civilized Tribes and other papers, relative to an error appearing on the final approved roll of citizens by blood of the Mississippi Choctaws in reference to the designation of the sex of Presley Kelley, whose name appears opposite No. 1296 on the roll. It appears that Presley Kelley was designated on the roll as a female, and should have been designated as a male.

This Office therefore recommends that the letter "F" appearing in the sex column opposite the name of Presley Kelley at No. 1296 on the final approved roll of citizens by blood of the Mississippi Choctaws be cancelled, and that the letter "M" be substituted therefor, and that this Office and the Superintendent for the Five Civilized Tribes be authorized to make a similar correction upon the copies of the rolls in their possession.

Very respectfully,

(Signed) E.B. Meritt

Assistant Commissioner.

Approved: MAR 22 1924

(Signed) R. M. Goodwin

Assistant Secretary.

908

No. 5033

For Identification as a Mississippi Choctaw.

Seale Miss.

Date MAR 22 1902

Name Albert Kelley

Age 37

Blood 1/2

Post Office, Plattsburg, Miss.

Father: Brown Kelley (w) d

Mother: Jane " (free) d

Claims through

wife Sealy Kelley

(3/4) 35

father Watson Harris

mother Rocanna

2

Forsee, wife and 3 children.

Children:

Presley Kelley

12

Lloyd

"

10

Eula

"

8

Miss. Choct. card No. 333

Mother's mother Illahonah

d

Stenographer

J. S. Niles

END
OF
ROLL

